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A BRIEF
NARRATIVE

OF THE
PROCEEDINGS

OF THE GOVERNMENT OF

NEW-YORK,

RELATIVE TO THEIR OBTAINING THE JURISDICTION OF
THAT

LARGE DISTRICT OF LAND,

TO THE WESTWARD FROM

CONNECTICUT RIVER,

Which, antecedent thereto, had been patented by his Majesty's
Governor and Council of the Government of

NEW-HAMPSHIRE.

AND ALSO,

Of the monopolizing Conduct of the Government
of *New-York*, in their subsequently patenting
Part of the same Land, and oppressing the
Grantees and Settlers under *New-Hampshire*.

TOGETHER WITH

Arguments demonstrating that the Property of
those LANDS was conveyed from the Crown
to the *New-Hampshire* Grantees, by Virtue of
their respective Charters.

WITH

REMARKS on a Pamphlet entitled, "A State of the Right
of the Colony of *New-York*," &c. and on the Narrative of
the Proceedings subsequent to the royal Adjudication, con-
cerning the Lands to the Westward of *Connecticut* River,
lately usurp'd by *New-Hampshire*. Intended as an Ap-
pendix to the General Assembly's State of the Right of the
Colony of *New-York*, (with Respect to it's Eastern Boun-
dary on *Connecticut* River, so far as concerns the late En-
croachments under the Government of *New-Hampshire*) pub-
lished at their Session, 1773.

By ETHAN ALLEN.

BENNINGTON, 23d September, 1774.

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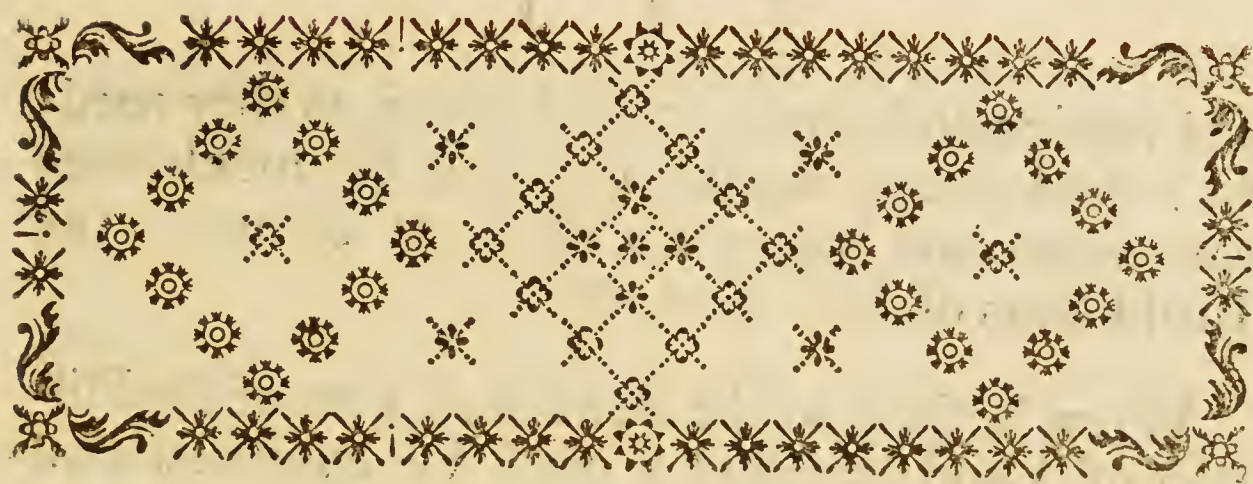
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A NARRATIVE, &c.

LEUTENANT Governor *Colden* represented to his Majesty and Privy Council, that it would be greatly to the Advantage of the Inhabitants of the District of Land to the Westward of *Connecticut* River, which had been granted by the Government of *New-Hampshire*, to be under the Jurisdiction of the Province of *New-York*, and that *Connecticut* River was a good and certain Boundary line to divide the respective Provinces; and furthermore, that *Hudson's* River was navigable a great Way into the Country; and that the Situation of the *New-Hampshire* Grants was such as would naturally constitute that River the Centre of Trade and Commerce, for the Inhabitants of those Grants; by the Navigation of which they could easily send Exports to the City of *New-York*,
and

and receive and return such Articles as they need-
ed : And that it would therefore be much more
convenient and happy for them to be under the
Jurisdiction of *New-York*, &c.

WITH Respect to the Southwest Part of the Dis-
trict of Land aforesaid it must be confessed that
Hudson's River must " constitute the Centre of
" Trade," &c. to the Inhabitants thereof. But
Three Quarters or more of that District of disputed
Lands, from the Contiguosness thereof to Lake
Champlain, and remote Situation from *Hudson's*
River, equally constitute Lake Champlain, Mon-
treal, &c. the Centre of Trade for its Inhabitants.
---Furthermore, it is no Way incompatable, pro-
vided the Inhabitants of the Southwest Quarter of
the District aforesaid should Trade at *New-York*,
although they may be supposed to be under the
Jurisdiction of *New-Hampshire*. The following
Exhibitions, will undoubtedly convince the impar-
tial Reader that the said Inhabitants would be
under vastly greater Advantage, to trade at *New-*
York, or any where else, on Provifo they should be
re-annexed to the Government of *New-Hampshire* ;
for then they would peaceably enjoy the Right of
soil of Lands they possess, which, under the Juris-
diction of *New-York* they cannot. A Number of
Families that have spent their Substance in pur-
chasing Lands of the Government of *New-Hamp-*
shire, and in removing from a great Distance to the
Premises, and in making Improvements thereon;
provided they should be disinherited, would make
a very indifferent Figure trading at *New-York*.

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His Majesty, ever graciously disposed to promote the Interest and Good of his Subjects, and viewing the Establishment of the jurisdictional Line between the respective Governments, as not interfering with the private Property of his Subjects, and in this View of the Case, perceiving a manifest Convenience, at least for a Part of that District, to be annexed to the Province of *New-York*; and the Government of *New-Hampshire* not being notified of Tryal (which is supposed to be owing to the Neglect of their Agent) by which Means his Majesty and Council could have no Information but from the Representations from *New-York*; came to a Determination of the jurisdictional Line *Exparte*; which is probably the Cause why it extended so far East as the west Banks of *Connecticut* River. This Event proved exceeding unfortunate to the *New-Hampshire* Settlers: From which they may compute the Date of their Oppression from the Government of *New-York*: this put it in the Power of that crafty, definging, & monopolizing Government, to exercise that Usurpation towards the Inhabitants aforesaid, exhibited in the following Sheets.

No sooner had *New-York* obtained the Jurisdiction, than Governor *Colden* began to Patent, to certain celebrated Attornies and principal Gentleman in the Province, the very Lands on which the *New-Hampshire* Settlers dwelt; and it is a more inexcusable and complicated Wickedness in Governor *Colden*; inasmuch as but a little before he perswaded his graciously disposed Majesty into an Opinion that

that it would be for the Advantage and Happiness of the Settlers aforesaid to be under the Jurisdiction of *New-York*. A complaint of the Conduct of the Government of *New-York*, relative to their laying Patent upon Patent, as aforesaid, being laid before his Majesty, who with the Advice of his Privy Council was graciously pleased to prohibit the Government of *New-York* from Patenting any of the said District of Land patented by the Governor of *New-Hampshire* as aforesaid, on Pain of his Majesty's highest Displeasure. Notwithstanding, the same Lieutenant Governor *Colden*, Governor *Dunmore*, and Governor *Tryon*, have, each and every of them, in their respective Turns in the Administration, presumed to violate the said Royal Command, by Patenting to certain of their own Favourites and Gentlemen of Influence, sundry valuable Tracts of Land contained in, and belonging to the prohibited Premises; the most of which Land being at the Time of patenting in actual Possession and Occupancy by People claiming the same Lands by Virtue of prior Patents from the Government of *New-Hampshire*.

NEXTLY, in the Course of this Narrative it is necessary to take a retrospective View to July Term, in the Year 1769, at which the Claimants under *New-York*, being Non-residents, brought Actions of Ejectment in the Supreme Court against sundry of the Claimants under *New-Hampshire*, who were in actual Possession of the contested Premises: but part if not all of the Judges and Attornies being interested in the said subsequent Patents

tents from the Government of *New-York*, and some of the principal Attornies, Patentees of the identical Patents then on Tryal. And the Plaintiffs appearing in great Fashion and State, which, together with their Fraternity of Land-monopolizers, made a brilliant Appearance. But the Defendants appearing in but ordinary Fashion, having been greatly fatigued by hard Labour, wrought on the disputed Premises, made a very disproportionable Figure at Court; and, in fine, Interest, Connection, and Grandeur, easily turned the Case against the forlorn Defendants: The whole District of Inhabitants were greatly alarm'd at the Event that had begun to take Place, were in great Consternation, each Individual reading his own intolerable Destruction from that which had already began.

STILL there was more Actions of Ejectment commenced against sundry of the Inhabitants, and the Sheriff of Albany County, by special Order from the Governor, was raising the Militia of the County to dispossess the Defendants aforesaid, of their Tenements. This was a most melancholy Scene---Women lamenting over their Children, and they crying; and Men pierced to the Heart with the most pungent Grief and Affection for them, and bitter Indignation at the approaching Tyranny of *New-York*. And what renders the Reflection of the Conflict more doleful, is the Consideration of the extreme Fatigue, Hunger, and infinite Hardships the Inhabitants had undergone in the Settlement and Cultivation of a Wilderness Country: It still adds a twinge to the Smart to
take

take a retrospect on the Interim; and view the Attornies and wealthy Gentlemen in the Province (and most of them in the City) of *New-York* "which fared sumptuously every Day" perusing the old obsolete and abdicated Charter from King Charles to the Duke of York, and inspecting into the *Cabots* and *Hudson's* exploring this Continent; and withal, inspecting closely, whether in ancient Time some Dutchman had not Possession of some part of the abdicated Premises; and by such round-about and falacious Pretences of deducing a Title, planning the Ruin of the Inhabitants aforesaid.----But to return to the Sheriff and the Posse of *Albany* County, who were in motion to dispossess the Inhabitants, Defendants aforesaid, and deliver their Tenements to the Claimants under *New-York*. The Inhabitants being thus drove to the Extremity of either quitting their Country and Possessions, or make forceable Opposition to the Sheriff and Posse. In this State of Desperacy they put on Fortitude, and chose the latter Expedient, and managed with that Oeconomy that they defeated the Sheriff in dispossessing them, without Bloodshed: Though it should be confessed that this Event was but partly owing to the Fortitude of the Inhabitants; the greatest Reason was this, the People of the Government in general (but particularly those that compose the Posse of the said County of *Albany*) were fully perswaded and conscious, that the Cause of the Inhabitants was just; and that the *New-York* Patentees was Oppressive and unjust: And therefore they would not hazard their lives to defend them

them in such an Usurpation of the Rights of their fellow Men.

THERE had before this time been several lesser Combinations of the People of those Grants to defend their Persons and Properties from the Encroachments of *New-York*; which by them are called by the opprobrious Names of Riots; Mobs; Rebellion; Felony, &c.---After the ineffectual Muster of the Posse, the Land-Monopolizers in the Colony of *New-York*, adopted different Measures to accomplish their Designs; perceiving they could not raise a Militia, that would Fight for the Title of their Subsequent Patents; and they being a cringing, fawnig, deceitful Fraternity; not enured to the Horrors of War, or any thing Heroic, durst not Fight for their own Claims: Their accustomed Way, to carry Points, being to deceive, cheat and over reach the Commonality of their Species, under a Pretence of Law, Justice, good Government, and a great pretended Zeal of Loyalty, &c. They were therefore obliged to follow their old beaten Road of Politics, and by their Influence, caused to be indicted as Rioters, every of the most bold, spirited and leading Men, who were active in defending either their Country or themselves, against their most egregious and intreiguing Wiles; hoping to make such an Example of them thereby as to frighten the Rest into their despotic Measures.---The Inhabitants in general viewing this to be their Policy, guarded against it, and were active in defending themselves, their Friends and Neighbours so indicted, being fully perswaded that the

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Frater.

Fraternity of *New-York* Patentees were the Fomenters and Planers of those Indictments; and that they eventually, by such Stratagems, designed to avail themselves of the Fee-simple of the Lands which they, the aforesaid Inhabitants possessed. And as for the *New-York* Patentees, and such part of the Authority and People as they could Influence, they were active, endeavouring by all and every Method to apprehend the Rioters (so called) and punish them as Criminals: The Struggles that ensued between the Parties relative to taking and defending Rioters, terminated in Wrath, Strife, and Ill-Will: The Consequences arising therefrom, (which are too prolix to be inserted) are very ingeniously summed up in these Words, “Where Envy and Strife is, there is Confusion and every Evil Work.” Tho’ it is common (and almost without Exception) for both Parties to be more or less blameable in so long and spirited a Controversy; yet in the Instances before us, it is beyond Dispute certain, that the Yorkers act offensively, and the *New-Hampshire* Settlers defensively, which will more fully appear.

BUT to shorten this Narration, and yet make it intelligible, and exhibit to View, that those Gentlemen interested in the Lands contained in the *New-Hampshire* Grants, by subsequent Patents from the Government of *New-York*, have extended their Influence into the General Assembly of the Government, and sway that whole Legislative Body; the following Votes and Proceedings of that Assembly are here transcribed; and

and also, the Votes and Proceedings of the General Committee for the Inhabitants of the *New-Hampshire* Grants in Answer thereto: And likewise, the Acts passed by the Legislative Body aforesaid, the 9th of March Ultimo, and Remarks on the same; which here follow in their order, as they were published in sundry public News-Papers in *America*.

FROM the *New-Hampshire Gazette*, No. 914.

“ At a General Meeting of the Committee for the several Townships on the West Side of the Range of Green Mountains granted under the Great Seal of the Province of New-Hampshire, held at the House of Mr. Eliakim Wellers in Manchester, on the 1st Day of March, A. D. 1774; and afterwards, by Adjournment, at the House of Capt. Jehiel Hawley, in Arlington, on the third Wednesday of the same Month; at which several Times, and Places, the New-York Mercury No. 1163, was produced; which contains an Extract from the Votes and Proceedings of the General Assembly of the Colony of New-York, which is as follows, viz.

“ DIE SABATI, 10 Ho. A. D. 5th February, 1774.

“ MR. Brush, (in behalf of Mr. Clinton, Chairman) from the Grand Committee, reported, that he was directed by the said Committee, to make the following Report to the House, viz. That the said Committee having taken into Consideration, the Petition of Benjamin Hough, in behalf of himself,

self, and many of his Majesty's Subjects, inhabiting the County of *Charlotte*, and the North-Eastern District of the County of *Albany*; complaining of many Acts of Outrage, Cruelty, and Oppression, committed against their Persons and Properties by the *Bennington Mob*, and the Dangers and Injuries to which they are Daily exposed, and imploring that this House will take them under their Protection, and secure them against future Violence; and the said Committee, having also duly considered the several Proofs and Depositions presented in support of the Truth of the said Petition, do therefore Resolve,

“ 1, THAT it appears to this Committee, that there at present prevails in part of the County of *Charlotte*, and in the North-Eastern District of the County of *Albany*, a dangerous and destructive Spirit of Riot and Licentiousness, subversive of all Order and good Government; and that it is become an intolerable Grievance, which requires immediate Redress,-----

“ 2, RESOLVED, That it appears to this Committee, that many Acts of Outrage, Cruelty, and Oppression have been there perpetrated by a Number of lawless Persons, calling themselves the *Bennington Mob*, who have seized, insulted, and terrified several Magistrates and other civil Officers, so that they dare not exercise their respective Functions, risked Prisoners for Debt, assumed to themselves military Commands, and judicial Power, burned and demolished the Houses
and

and Property, and beat and abused the Persons of many of his Majesty's Subjects, expelled them from their Possessions, and put a Period to the Administration of Justice, and spread Terror and Destruction through that Part of the Country which is exposed to their Oppression.

“ 3, RESOLVED, That it is the Opinion of this Committee, that the Complainants before this House and others, who inhabit Part of that Colony, and from Respect to Government, will not countenance or be concerned in the said riotous Proceedings, are exposed from the Violence of the Rioters to eminent Danger, both in Persons, and Properties, and that they stand in Need of immediate Protection and Succour.

“ 4, RESOLVED, That it appears to this Committee, that *Ethan Allen, Seth Warner, Remember Baker, Robert Cochran, Peleg Sunderland, Silvanus Brown, James Breakenridge, and John Smith*, are principal Ring-Leaders of, and Actors in the Riots and Disturbances aforesaid, and that it is therefore the Opinion of this Committee, that an humble Address be presented to his Excellency, desiring that He would be pleased to issue a Proclamation, offering a Reward of Fifty Pounds for apprehending and securing any or either of the Persons above named, in his Majesty's Goal in *Albany*; and commanding the Magistrates, and other Civil Officers of the Counties of *Albany* and *Charlotte*, to be active and vigilant in suppressing the said Riots, and preserving the Public Peace
and

and good Order, as well as for bringing to Justice the Perpetrators and Authors of said Riots.

“ 5, RESOLVED, That it is the Opinion of this Committee, that a Bill be brought in, more effectually to suppress the said riotous and disorderly Proceedings, maintain the free Course of Justice, and for bringing the Offenders to condign Punishment; which Report he read in his Place, and afterward delivered it in at the Table, where the said Resolutions were severally read a Second Time, Resolved that this House doth agree with the Committee in their said Resolutions.

“ ORDERED, That a Bill be brought in, pursuant to the last Resolution, and that Mr. *Brush*, and Col. *Ten Broeck*, prepare and bring in the same. Ordered, That Capt. *Delancey* and Mr. *Walton*, wait on his Excellency the Governor with the foregoing Address and Resolutions of the House.”

Mr. *Nathan Clark*, Chairman of the Committee of the *New-Hampshire* Settlers afore said, ordered the Clerk to read the Resolves and Votes afore said, to the general Committee, which was accordingly read sundry Times, and the following Draught being presented in Answer thereto, to the Publick Meeting; Seven Persons were selected and chosen out of the said general Committee, to examine the same, and report their Opinion thereon, which here follows.

“ WHEN we consider the numberless Troubles,
and

and almost insurmountable Difficulties which our infant Settlements have been forced to struggle with, since its first Beginning, which have been occasioned by an unequal and biased Administration of Law, ever since our unhappy Misfortune of being annexed to a Government in which the Interest of the greater Part of the leading Gentlemen thereof are in direct Opposition to our's. The tyrannical Measures they take to enslave us, (we hope) will not fail to justify us in the following Arguments and Resolves thereon; for we think it an intolerable Hardship, and Piece of inhuman Cruelty, that we cannot be said to give sufficient Proof of our Loyalty and Obedience to Government but at the Resignation of our whole Fortunes, in the Purchase and Improvement of which, we have suffered an Infinity of Hardships. Yet, at the same Time, impressed with a Sense of Gratitude, we return our thankful Acknowledgment to those worthy Gentlemen, Governor Tryon, and sundry of His Majesty's honorable Council, for the Province of *New-York*, for their signal Favours to us in some Time past; which has, in some Degree, alleviated and supported us, under our heavy Troubles and Oppressions. But when we consider that his Excellency is about to embark for *Great-Britain*, and while we view the Spirit of the General Assembly, in their Resolves; we cannot but reflect with some Regret, on what may of Consequence prove the Result (without an Alteration) of their present Opinion; but there
are

are scarce any Circumstances that entirely exclude Hope ; therefore we are not yet in total Dispair : For this Moment we happily call to Mind, that the General Assembly of the same Province, about two Years ago, did annex all that Part of the *Bay* Province, West of *Connecticut* River, to that UNLIMITED County of *Albany* ; but their avaricious Grappling not being of a sufficient Strength for such an unreasonable Burthen, it failed, by which they lost their ideal Booty.

“ THE candid Reader will doubtless observe, that in the Resolves of the Assembly aforesaid, there is not a single Word mentioned in Regard to the Title of the Land contested for, but that they level all their Spleen, and point all their Malice at notorious Rioters, as they call them, and make a pretended Shew and Figure, as though they were great Sticklers for good Order and Government ; although at the same Time every Person of common Sense, who has had any Acquaintance and Knowledge of the Controversy, absolutely knows, that our goodly Land, with the Labour thereon, is the only subject Matter, and grand Object of the whole Controversy ; and give the *New-Yorkers* but that, and the Matter would be accomplished to their eternal Satisfaction ; and it is presumed the Words Riotous, Disorderly, Licentious, &c. would not be printed again on account of the *New-Hampshire* Grantees and present Occupants, for the whole Course of the succeeding Century.

“ FOR

“ FOR the Truth of the Case is, the Executors of the Law, are most (if not all) of them the pretended Claimants to the Lands whereon the *New-Hampshire* Grantees and Occupants dwell, and their Judgments on Writs of Ejectment, brought by the *New-York* Patentees, have not hitherto failed to correspond with their imaginary Interests ; but were they honest Men they would not undertake to be Judges in their own Case, or in any other wherein the Resolution thereof would make a President, for their own, especially in Title of Land wherein Judge and Plaintiff are connected in one common Interest : such a Distribution of Law is contrary to the Law of Reason and Nations.---

“ Therefore our Case stands thus, if we submit to their Execution of Law, and become obedient and submissive Subjects of their designing Government, we must soon yield to be their Tenants and Slaves ; and we cannot see Reason to conform to any Law, or such Branches of it, as will apparently bring us and our Posterity into Bondage, or manifestly deprive us of our Property ; but inasmuch as we boldly adhere to the Maintenance of our Property, which to us is very precious, as it would be to the *New-Yorkers*, was it in their hands ; we find it is immediately recommended to the Governor of the Province by the General Assembly, to issue his Proclamation, Offering therein large Sums of Money to apprehend those notorious
Rioters

Rioters (as they are pleased to stile them) but any one who has had Opportunity to read the Stipulation and particular Articles of the public Faith, pledged by the Government of *New-York* to the *New-Hampshire* Grantees and Settlers, dated in July Anno Domini 1772, will immediately find a sufficient Reason for the Governor's not signing such a Proclamation; for it must indeed be shocking to common Sense when the Reader comes to observe what notorious Complaints, and most horrid Accusations are set forth in the Resolves of the General Assembly of *New-York*, mentioned in the fore Part of this Paper, against Thousands of hard labouring, industrious, honest Peasants, who are in Truth loyal Subjects of the Crown of Great-Britain, for their Violations of Law and Government; when at the same Time the following express Orders from his Most Sacred Majesty, to that litigious Government of *New-York*, will plainly show that they do not make the least Hesitation, to rebel and act in direct Opposition to the Authority of the Crown, when (as in the present Case) they shew a Disposition to take Advantage of the minor Part of those under their Government; and throw them into Contention and Disorder; and thereby build their Fortunes on the Ruin of the pretended Aggressors; and all under the specious Pretence of good Order and Government which is in Fact what they eventually aim at, as will appear by the following Order.

At

“ *At a Court at St. James's, the 24th Day of July, 1767.*

P R E S E N T,

The KING's Most Excellent Majesty,

Archbishop of <i>Canterbury</i> ,	Earl of <i>Shelburne</i> ,
Lord <i>Chancellor</i> ,	Viscount <i>Falmouth</i> ,
Duke of <i>Queensbury</i> ,	Viscount <i>Barrington</i> ,
Duke of <i>Ancester</i> ,	Viscount <i>Clarke</i> ,
Lord <i>Chamberlain</i> ,	Bishop of <i>London</i> ,
Earl of <i>Litchfield</i> ,	Mr. Secretary <i>Conway</i> ,
Earl of <i>Bristol</i> ,	<i>Hans Stanley</i> , Esq;

“ THE Petition and Report thereon by the Lords of Trade and Plantation Affairs, is too prolix to be inserted in this Paper, the royal Order is therefore only transcribed which is as Follows.

“ His Majesty taking the said Report into Consideration, was pleased, with the Advice of his Privy Council, to approve thereof, and doth hereby strictly charge, require and command, that the Governor or Commander in Chief of his Majesty's Province of *New-York*, for the Time being, do not upon Pain of his Majesty's highest Displeasure, presume to make any Grant whatsoever, of any Part of the Lands described in the said Report, until his Majesty's further Pleasure shall be known concerning the same.

A true Copy,

WILLIAM SHARPE,

Attest

GEO. BANYAR, *Dep. Sec'ry.*

“ NOTE

“ NOTWITHSTANDING this Prohibition, and one or two more of the same general Import, and from the same Authority, the Government of *New-York* have lapped their Patents on the *New-Hampshire* Charters, and in Consequence thereof demand at Common Law, the Lands on which the *New-Hampshire* Grantees and Occupants dwell; and from hence has arisen the numerous Troubles and Disturbances, between the Government of *New-York*, and its discontented Subjects, the Settlers under *New-Hampshire*. This has also been the Source of all Licentiousness and Confusion, Riotousness, &c. complained of by that Government, against the Settlers aforesaid.

“ AND whereas the true State of our Grants hath been already laid before the worthy Lords of the Board of Trade and Plantation, and they having considered, and wisely deliberated upon its several Circumstances, did on the Third Day of December, A. D. 1772, make their Report in Favour of the *New-Hampshire* Grantees, to his most Gracious Majesty, whose Royal Confirmation we daily expect, and on the Credit and good Faith of this Report, many Hundreds of industrious (and many of them wealthy) Families, have purchased and moved upon the *New-Hampshire* Grants, nothing doubting of that Title.

“ WE therefore humbly report to the said General Committee of the *New-Hampshire* Grants, as our Opinion, 1. That as we ever have, so for the future we will remain loyal and dutiful Subjects,
to

to our most rightful Sovereign *GEORGE* the Third, and demean Ourselves agreeable to the good and wholesome Laws of the Realm, and fight for the Honour and Dignity of his Majesty's Crown and Government, at all Times when there may be a Call for it, viewing him as our political Father, and relying on him to be protected in our Property.

“ 2. THAT as we purchased our Lands of One of his Majesty's Governors, and on the good Faith of the Crown of *Great-Britain*, we are determined to maintain those Grants, against all Opposition, until his Majesty's Royal Pleasure shall be known on the Premises.

“ AND whereas we have never made any further Resistance to Government, than the Law of Self-Preservation, which the Law of God and Nature enjoins on every intelligent, wise and understanding Being ; we therefore are fully of the Opinion to resolve,

3. THAT such of the Magistrates, and governmental Authority of the Province of *New-York*, as have pursued, and have been accessory in the Scheme of indicting our Friends and Neighbours as Rioters ; and have by Intrigue and Stratagem, of various Sorts, endeavoured to take them, and punish them as Criminals ; thereby to dishearten and terrify the *New-Hampshire* Settlers to that Degree, that they may tamely be disinherited ; have acted contrary to the Spirit and Design of the good
and

and righteous Laws of *Great-Britain*, which, under a just Administration, never fail to secure the Liberty and Property of the Subject; are thereby guilty of great Inhumanity to its respective Subjects. We therefore resolve, That as a Country, we will stand by, and defend our Friends and Neighbours, so indicted, at the Expence of our Lives and Fortunes. And we would recommend it to the General Assembly of the Province of *New-York*, to wait the Determination of his Majesty, relative to the Title of those Lands, and desist from taking us as Rioters, to prevent the unhappy Consequences that may result from such an Attempt.

“ AND Fourthly, and lastly, Resolved, That for the future, every necessary Preparation be made, and that our Inhabitants hold themselves in Readiness, at a Minute’s Warning, to aid and defend such Friends of our’s, who, for their Merit to the great and general Cause, are falsely denominated Rioters; but that we will not act any Thing, more or less, but on the Defensive, and always encourage due Execution of Law, in civil Cases, and also in criminal Prosecutions, that are so indeed; and that we will assist, to the utmost of our Power, the Officers appointed for that Purpose.

“ THE foregoing Arguments, Narrations and Resolves, being laid before the General Committee of the *New-Hampshire* Grants, and was read sundry Times, and carefully examined. And after mature Deliberation, Mr. *Clark*, Chairman, put
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the Votes to Tryal, whether the foregoing was approved of, as an Answer to the Resolves of the General Assembly of the Province of *New-York*? And it was passed in the Affirmative. And it was furthermore the Advice of this Committee, that the foregoing be forthwith exhibited in the public Papers, to the Intent that all Officers, Magistrates and Persons whatsoever may know that if they presume to take the Rioters aforesaid, they do it on their Peril.

Certified per

NATHAN CLARK, Chairman.

JONAS FAY, Clerk.

Bennington, April 14, 1774.

The following LAW of the Colony of New-York, was passed the 9th Day of March, 1774.

“ An ACT for preventing tumultuous and riotous Assemblies in the Places therein mentioned, and for the more speedy and effectual punishing the Rioters.

“ *WHEREAS* a Spirit of Riot and Licentiousness has of late prevailed in some Parts of the Counties of Charlotte and Albany, and many Acts of Outrage and Cruelty have been perpetrated by a Number of turbulent Men, who, assembling from Time to Time in Arms, have seized, insulted and menaced several Magistrates, and other Civil Officers, so that they dare not execute their Functions---rescued Prisoners for Debt---assumed to themselves military Commands, and judicial Powers ---burned and demolished the Houses and Property, and
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beat and abused the Persons of many of His Majesty's Subjects---expelled others from their Possessions---and finally, have put a Period to the Administration of Justice within, and spread Terror and Destruction throughout that Part of the Country which is exposed to their Oppression : Therefore, for the preventing and suppressing such Riots and Tumults, and for the more speedy and effectual punishing the Offenders therein,

“ 1. *Be it Enacted*, by His Excellency the Governor, the Council, and the General Assembly, and it is hereby enacted, by the Authority of the same, That if any Persons, to the Number of Three, or more, being unlawfully, riotously, and tumultuously assembled, within either of the said Counties, to the Disturbance of the public Peace, at any Time after the passing of this Act, and being required or commanded, by any One or more Justice or Justices of the Peace, or by the High Sheriff, or his Under Sheriff, or by any One of the Coroners of the County where such Assembly shall be, by Proclamation to be made in the King's Name, in the Form herein after directed, to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business, shall, to the Number of Three, or more, notwithstanding such Proclamation made, unlawfully, riotously, and tumultuously remain or continue together to the Number of Three, or more, after such command, or Request, made by Proclamation, shall, for every such Offence, upon Conviction thereof, in due Form of Law, either in the Supreme Court of Judicature of this Colony, or at the

the Courts of Oyer and Terminer, and General Goal Delivery, or at the General Sessions of the Peace, to be held respectively in and for the said Counties of *Albany* and *Charlotte*, or either of them, suffer Twelve Months Imprisonment without Bail or Mainprize, and such further corporal Punishment, as the respective Courts before which he, she, or they shall be convicted, shall judge fit, not extending to Life or Limb; and before his or her Discharge, shall enter into Recognizance with two sufficient Sureties, in such Sums as the said Court shall respectively direct, to be of good Behaviour, and keep the Peace towards his Majesty, and all his Subjects, for the Term of Three Years, from such his, her, or their Discharge out of Prison.

“ 2. *And be it further enacted* by the Authority aforesaid, That the Order and Form of the Proclamation which shall be made by the Authority of this Act, shall be as hereafter follows, that is to say, The Justice, or other Person, authorized by this Act to make the said Proclamation, shall, among the said Rioters, or as near to them as he can safely come, with a loud Voice command, or cause to be commanded, Silence to be kept, while Proclamation is making; and shall then openly, with a loud Voice, make, or cause to be made, Proclamation in these Words, or to the like Effect: *Our Sovereign Lord the King, chargeth and commandeth all Persons, being assembled, immediately to disperse themselves, and peaceably to depart to their Habitations, or to their lawful Business, upon the Pain contained in the Act made in the Fourteenth Year of the Reign of King GEORGE*

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the Third, to prevent tumultuous and riotous Assemblies.
 And every such Justice and Justices of the Peace, Sheriff, Under Sheriff, or Coroner, within the Limits of the respective Counties where they reside, are hereby authorised, impowered, and required, on Notice or Knowledge of any such unlawful, riotous and tumultuous Assembly, forthwith to repair to the Place where such unlawful, riotous and tumultuous Assembly shall be, to the Number of Three, or more, and there to make, or cause to be made, Proclamation in Manner aforesaid.

“ 3. *And be it further enacted,* by the Authority aforesaid, That if any Person or Persons do, or shall, with Force and Arms, wilfully and knowingly oppose, obstruct, or in any Manner wilfully and knowingly let, hinder or hurt any Person or Persons, who shall begin to proclaim, or go to proclaim, according to the Proclamation hereby directed to be made, whereby such Proclamation shall not be made; that then every such opposing, letting, hindering, or hurting such Person or Persons so being or going to make such Proclamation as aforesaid, shall be adjudged Felony without Benefit of Clergy; and that the Offenders therein, shall be adjudged Felons, and shall suffer Death, as in Cases of Felony without Benefit of Clergy: And that also every such Person or Persons, so being unlawfully, riotously and tumultuously assembled to the Number of Three, as aforesaid, or more, to whom Proclamation should, or ought to have been made, if the same had not been hindered as aforesaid, shall, in Case they, or any of them, to
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the Number of Three, or more, shall continue together, and not forthwith disperse themselves, after such Let or Hindrance, having Knowledge of such Let or Hindrance, shall likewise for every such Offence, upon Conviction thereof, in Manner aforesaid, suffer the same Pains and Penalties as are hereby inflicted on those who shall continue together to the Number of Three, or more, after they shall be commanded to depart to their Habitations, or lawful Business, by Proclamation as aforesaid.

“ 4. *And be it Further Enacted*, by the Authority aforesaid, That if such Persons so unlawfully, riotously and tumultuously assembled, or any Three or more of them, after Proclamation made in Manner aforesaid, shall continue together, and not forthwith disperse themselves, it shall and may be lawful to and for every such Justice of the Peace, Sheriff, Under Sheriff, Coroner, or Constable, of any County or Township where such Assembly shall be; and to and for such Person or Persons as shall be commanded to be assisting unto such Justice of the Peace, Sheriff, Under Sheriff, Coroner, or Constable, who are hereby authorized and empower'd to command all His Majesty's Subjects of Age and Ability, to be aiding and assisting to them therein; to seize and apprehend, and they are hereby required to seize and apprehend such Persons so unlawfully, riotously, and tumultuously assembled together, after Proclamation made as aforesaid, and forthwith to carry the Persons so apprehended, before any one or more of his Majesty's Justices of the Peace of the said Counties of *Charlotte*, or *Albany*; in order
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to their being proceeded against for such their Offences, according to Law.

“ AND that if the Persons so unlawfully, riotously, and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt in the dispersing, seizing, or apprehending them, by reason of their resisting the Persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, that then every such Justice of the Peace, Sheriff, Under-Sheriff, Coroner or Constable, and all and singular Persons aiding and assisting to them, or any of them, shall be freed, discharged, and indemnified, as well against the King's Majesty, his Heirs and Successors, as against all and every other Person and Persons, of, for, or concerning the killing, maiming, or hurting of any such Person or Persons, so unlawfully, riotously, and tumultuously assembled, that shall happen to be so killed, maimed, or hurt as aforesaid.

“ 5. *And be it further enacted*, by the Authority aforesaid, that if any Person or Persons within the said Counties, or either of them, not being lawfully authorized a Judge, Justice, or Magistrate, shall assume judicial Power, or shall try, fine, sentence, or condemn any Person, who shall either be absent, or shall unlawfully or forcibly be seized, taken, or brought before Him or Them for Tryal, or Punishment; or if any Person or Persons shall aid or assist in such illegal Proceedings, or shall enforce, execute, or carry the
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the same into Effect ; or if any Person or Persons shall unlawfully seize, detain, or confine, or assault and beat any Magistrate, or civil Officer, for, or in the Respect of any Act or Proceeding in the due exercise of his Function, or in order to compel him to resign, renounce, or surcease his Commission or Authority, or to terrify, hinder, or prevent him from performing and discharging the Duties thereof; or if any Person, or Persons, either secretly, or openly, shall unlawfully, wilfully, and maliciously burn or destroy the Grain, Corn, or Hay, of any other Person, being in any Inclosure, or if any Persons unlawfully, riotously, and tumultuously assembled together, to the Disturbance of the public Peace, shall unlawfully, and with Force demolish, or pull down, or begin to demolish or pull down any Dwelling-House, Barn, Stable, Grist-Mill, Saw-Mill, or Out-House, within either of the said Counties, that then, each of the said Offences, respectively, shall be adjudged Felony, without Benefit of Clergy; and the Offenders therein, shall be adjudged Felons, and shall suffer Death, as in cases of Felony without Benefit of Clergy.

“ 6. AND WHEREAS Complaint and Proofs have been made, as well before his Excellency the Governor in Council, as before the General Assembly, That *Ethan Allen*, some Time of *Salisbury*, in the Colony of *Connecticut*, but late of *Bennington*, in the County of *Albany*, Yeoman; *Seth Warner*, late of *Bennington* in the said County,

ty, Yeoman; *Remember Baker*, late of *Arlington* in the said County, Yeoman; *Robert Cochran*, late of *Ruporte*, in the County of *Charlotte*, Yeoman; *Peleg Sunderland*, and *Silvanus Brown*, late of *Socialborough* in the same County, Yeomen; *James Brackenridge*, late of *Wallumschack*, in the County of *Albany*, Yeoman; and *John Smith*, late of *Socialborough*, Yeoman; have been principal Ring-leaders of, and Actors in the Riots and Disturbances aforesaid; and the General Assembly have thereupon addressed his Excellency the Governor, to issue a Proclamation offering certain Rewards for apprehending and securing the said Offenders, and for bringing them, and the other Perpetrators and Authors of the Riots to Justice: And forasmuch as such disorderly Practices are highly criminal, and destructive to the Peace and Settlement of the Country, and it is indispensably necessary for Want of Process to Outlawry (which is not used in this Colony) that special Provision be made for bringing such Offenders in future to Tryal and Punishment, without exposing the Colony to the Expence of extraordinary Rewards and Bounties for apprehending such Offenders.---

“ *Be it therefore enacted*, by the Authority aforesaid, That it shall and may be lawful to and for his Excellency the Governor, or the Governor and Commander in Chief, for the Time being, by and with the Advice of the Council, as often as either of the above named Persons, or any other Person, shall be indicted in either of the Counties aforesaid, for any Offence perpetrated after the
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passing of this Act, made Capital by this, or any other Law, or where any Person may stand indicted for any of the Offences above mentioned, not made Felony by this Act, to make his Order in Council, thereby requiring and commanding such Offender or Offenders to surrender themselves respectively, within the Space of Seventy Days next, after the first Publication thereof, in the *New-York Gazette*, and weekly *Mercury*; to one of his Majesty's Justices of the Peace, for either of the said Counties respectively, who are hereby required thereupon to commit him or them, without Bail or Mainprize, to the Goal of the City of *New-York*, or of the City and County of *Albany*, to the End that He or They may be forthcoming to answer the Offence or Offences, where-with He or They shall stand charged according to the ordinary Course of the Law; which Order the Clerk of his Majesty's Council, or his Deputy, shall cause forthwith to be printed and published, in eight successive Papers, of the *New-York Gazette*, and weekly *Mercury*; the two first of which to be forthwith transmitted to the Sheriffs of the Counties of *Albany* and *Charlotte*; and the said Sheriffs respectively, shall, within six Days after the Receipt thereof, cause the same printed Orders to be affixed upon the Door of the Court-House of the County of *Albany*, and upon the Door of the Dwelling-House of *Patrick Smith*, Esq; where the Courts are now usually held for the said County of *Charlotte*, and upon the Doors of two other Publick-Houses, in each of their respective Counties. And in case the said Offend-

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ers shall not respectively surrender themselves, pursuant to such Orders of his Excellency the Governor, or of the Governor and Commander in Chief for the Time being, to be made in Council as aforesaid; He or They so neglecting or refusing to surrender Himself, or Themselves as aforesaid, shall, from the Day to be appointed for his or their Surrendery as aforesaid be adjudged, deemed, and (if indicted for a capital Offence hereafter to be perpetrated) to be convicted and attainted of Felony, and shall suffer Death, as in Cases of Persons convicted & attainted of Felony by Verdict and Judgment, without Benefit of Clergy; and that it shall and may be lawful to, and for the Supreme Court of Judicature of this Colony, or the Courts of Oyer and Terminer, or General Goal delivery, for the respective Counties aforesaid, to award Execution against such Offender or Offenders, so indicted for a capital Offence, perpetrated after the passing of this Act, in such Manner as if He or They had been convicted or attainted in the said Supreme Courts of Judicature, or before such Courts of Oyer and Terminer, or General Goal Delivery respectively: And if any Offender, being indicted for a lesser Offence, under the Degree of Felony, shall not surrender himself within the Time fixed by such Order, and after such Notice as aforesaid, he shall thence forth be deemed guilty of the Offence for which he may be charged by such Indictment; and it shall be lawful for the Court wherein such Indictment is found, to proceed to pronounce such Judgment against the Offender as might lawfully be done if he was present in Court, and convicted in the ordinary Course of the

the Law, of the Crime wherewith he shall so stand charged as aforesaid. Provided always,

“ 7. *And be it further enacted*, by the same Authority aforesaid, That if any Person so neglecting to surrender himself as aforesaid, within the said Seventy Days, shall, at any Time after, surrender himself to the Sheriff of the Cities of *New-York* or *Albany*, or of the Counties of *Dutchess* or *West-Chester*, (who are to receive, and safely keep such Offenders) and being actually in Custody, exhibited reasonable Proof, to the Satisfaction of the Judges of the Supreme Court of this Colony, or either of them, that he was not within either of the said Counties of *Albany* or *Charlotte*, or within either of the Counties of *Cumberland* or *Gloucester*, at any Time after the Publication and Notices above directed, and before such Surrender of himself as aforesaid; then such Judge before whom such Proof is made, shall forthwith notify the same in Writing, to the Sheriff to whom any Warrant of Execution for the Executing such Offender, or any other Process for any lesser Punishment, hath been, or may be issued; and thenceforth such Prisoner or Offender shall not be liable to suffer Death, or any other Punishment for not surrendering himself.---Provided also, that nothing in this Act contained, shall be construed to exempt any Offender, so surrendering himself, after the Seventy Days, as aforesaid, from any Punishment to which he may be liable for any other Crime than for not surrendering himself within the Seventy Days, as aforesaid, nor to deprive any Person who

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shall

shall so surrender himself within the Seventy Days, from being bailed, in Cases where he shall be bailable by Law ; any Thing herein contained to the Contrary thereof, in any Wise notwithstanding.

“ 8. *And be it further enacted*, by the same Authority aforesaid, That all and every Person and Persons who shall, after the Expiration of the Time to be appointed as aforesaid, for the Surrender of the respective Offenders herein before named, harbour, receive, conceal, abet, or succour such Offender, or Offenders, knowing him or them to have been required to surrender him or themselves, by such Order or Orders as aforesaid, and not to have surrendered pursuant thereto, shall upon Conviction thereof in due Form of Law, suffer the same Pains and Penalties as are by this Act inflicted on those who shall continue together to the Number of Three or more, after they shall be commanded to depart to their Habitation, or lawful Business by Proclamation as aforesaid.

“ 9. AND WHEREAS the said County of *Charlotte*, hath but lately been set off from the said County of *Albany*, and there is yet no Goal or Court-House erected within the same; and a great Part of the said County being involved in a State of Anarchy & Confusion by Reason of the violent Proceedings of the aforesaid riotous and disorderly People, from whence it must at present be extremely difficult if not impracticable, to bring Offenders to Justice within the said County :

Be it therefore further Enacted by the Authority
aforesaid

aforesaid, That all Treasons, Felonies, Crimes, Misdemeanors & Offences whatsoever, at any Time heretofore committed or perpetrated, or hereafter to be committed or perpetrated within the said County of *Charlotte*, shall and may be proceeded against and presented by any Grand Jury for the County of *Albany* from Time to Time to be impanelled and sworn at any Court or criminal Jurisdiction to be held in and for the said County of *Albany*, who shall and may charge any of the said Offences to have been committed in any Part of the said County of *Charlotte*, and all Indictments so found by them shall be adjudged to be good and valid, notwithstanding that the Place of perpetrating any of the said Offences be in the said Indictments alledged to be out of the said County of *Albany*; and all such Offences & Offenders, which shall be presented or indicted as aforesaid, shall and may be tried within the County of *Albany*, and by a Jury thereof, and there heard, determined, and punished in the same Manner and Form as if such Treason, Felony, Crime, Misdemeanor, or Offence, had arisen and been perpetrated within the said County of *Albany*.

“ 10. Provided always, *And be it further Enacted*, That if at any Time hereafter the Justices to be appointed for holding Courts of Oyer and Terminer, and General Goal Delivery, for the said County of *Charlotte*, in Cases cognizable before them; or the Justices of the General Session of the Peace for the said County of *Charlotte*, in Cases cognizable before them, shall conceive that any Prisoner or Offender may be safely brought to
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Justice within, and by a Jury of the said County of *Charlotte*, that then it shall and may be lawful to and for each of the said Courts respectively, to proceed against, and try such Prisoner or Offender, having lawful Cognizance of his Cause within and by a Jury of the said County of *Charlotte*, and him there to acquit or to Sentence, condemn, and punish as the Law directs; any thing in this Act to the contrary thereof notwithstanding.

“ 11. AND *be it further Enacted*, by the Authority aforesaid, That this Act shall be publickly read in every Court of General Sessions of the Peace, to be held in each of the said Counties of *Albany*, and *Charlotte*, respectively.

“ 12. AND *be it further Enacted*, by the Authority aforesaid; That this Act shall remain and continue in full Force and Effect, from the passing thereof, until the first Day of January, which will be in the Year of Our Lord, One Thousand, Seven Hundred, and Seventy Six.”

From the *New-Hampshire Gazette*, No. 915.

REMARKS, &c. on some late Laws, passed in *New-York*.

HIS Excellency Governor *Tryon* in Conformity to the Addresses of the General Assembly of the Colony of *New-York*, having on the 9th Day of March 1774, with the Advice of his Council, issued his Proclamation, offering therein large Sums of Money, for the Purpose of apprehending and
imprisoning

imprisoning the following Persons, viz. *Ethan Allen, Seth Warner, Remember Baker, Robert Cochran, Peleg Sunderland, Silvanus Brown, James Breakenridge, and John Smith,*

AND whereas, his Excellency the Governor, by the same Proclamation, hath strictly enjoined and commanded all Magistrates, Justices of the Peace, Sheriffs, and other civil Officers of the Counties of *Albany* and *Charlotte*, to be active and vigilant in apprehending, and imprisoning the Persons above named; and we the aforesaid Persons, who have hereunto subscribed, being conscious that our Cause is good and equitable, in the Sight of God, and all unprejudiced and honest Men, are determined at all Events, to maintain, and defend the same, 'till his Majesty's Pleasure shall be known, concerning the Validity of the *New-Hampshire* Grants.-----And we now proclaim to the Public, not only for Ourselves, but for the *New-Hampshire* Grantees, and Occupants in general; that the Spring and moving Cause of our Opposition to the Government of *New-York*, was Self-Preservation, viz. Firstly, the Preservation and maintaining of our Property: And Secondly, since that Government is so incensed against us, therefore it stands us in Hand to defend our Lives; for it appears, by a late Set of Laws passed by the Legislature thereof, that the Lives, and Property of the *New-Hampshire* Settlers are manifestly struck at; but, that the Public may rightly understand the Essence of the Controversy, we now proclaim to those Law-Givers, and to the World,
that

that if the *New-York* Patentees will remove their Patents that have been subsequently lapped and laid on the *New-Hampshire* Charters, and quiet us in our Possessions, agreeable to his Majesty's directions, and suspend those criminal Prosecutions against us, for being Rioters (as we are unjustly denominated) then will our Settlers be orderly and submissive Subjects to Government; but be it known to that despotic Fraternity of Law-Makers, and Law-Breakers, that we will not be fooled or frightened out of our Property; they have broke over his Majesty's express Prohibitions, in patenting those Lands, and when they act in Conformity to the regal Authority of Great-Britain, it will be soon enough for us to obey them. It is well known by all wise and sensible Persons in the neighbouring Governments, (that have animadverted on the Controversy) that their pretended Zeal for good Order and Government, is fallacious, and that they aim at the Lands and Labours of the Grantees and Settlers aforesaid: and that they subvert the good and wholesome Laws of the Realm, to corroborate with, and bring about their vile and mercenary Purposes.

AND, inasmuch as the Malignity of their Disposition towards us, hath flamed to an immeasurable and murtherous Degree, they have in their new-fangled Laws, calculated for the meridian of the *New-Hampshire* Grants, passed the 9th of March, 1774; so calculated them, as to correspond with the depravedness of their Minds and Morals; in them Laws, they have exhibited their
genuine

genuine Pictures. The Emblems of their insatiable, avaricious, overbearing, inhuman, barbarous, and blood-guiltiness of Disposition and Intention is therein portraited in that transparent Image of themselves, which cannot fail to be a Blot, and an infamous Reproach to them, to Posterity.-----We cannot suppose that every of his Majesty's Council, or that all the Members of the General Assembly were active in passing so bloody and unconstitutional a Set of Laws; undoubtedly, some of them disapproved thereof; and it is altogether possible, that many that were active in making the Law, were imposed upon by false Representations, and acted under mistaken Views of doing Honour to Government; but be this as it will, it appears that there was a Majority. And it has been too much the Case with that Government, for a Number of designing Schemers, and Land-Jockeys, to rule the same. Let us take a View of their former narrow and circumscribed Boundaries, and how, by Legerdemain, Bribery and Deceptions of one Sort or other, they have extended their Domain far and wide; they have wrangled with, and encroached on all their neighbouring Governments, and have used all Manner of Deceit and Fraud to accomplish their Designs: Their Tenants groan under their Usury and Oppression; and they have gained, as well as merited the Disapprobation and Abhorrence of their Neighbours, and the innocent Blood they have already shed, calls for Heaven's Vengeance on their guilty Heads; and if they should come forth in arms against us, thousands of their injured

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ed and dissatisfied Neighbours in the several Governments, will join with us, to cut off, and extirpate such an execrable Race from the Face of the Earth!

THIS Piece is not supposed to contain a full Answer to the new constructed Set of Laws aforesaid; for such a large TWO-YEAR OLD, hath never before been seen in America, it being of an enormous and monstrous Birth; nor is it supposed to give the Legislators their full Characters: But so much, and a little more may suffice for the present. To quote the Laws, and make Remarks thereon, would be Matter sufficient for a Volume: However, we will yet make some few short Observations.

1st, NEGATIVELY, it is not a Law for the Province of *New-York* in general, but,

2d, POSITIVELY, it is a Law but for Part of the Counties of *Charlotte*, and *Albany*; viz. Such Parts thereof, as are covered with the *New-Hampshire* CHARTERS, and it is well known those Grants compose but a minor Part of the Inhabitants of the said Province; and we have no Representative in that Assembly: The first Knowledge we had of said Laws, was the Completion of them; which informed us, that if we assembled, Three or more of us together, to oppose (that which they call legal) Authority, we shall be adjudged Felons, and suffer the Pains of Death; and that same Fraternity of Plotters knew, as well as we, and the generality of the People in the adjacent Colonies, that they have for a Number

ber of Years last past, endeavoured to exercise such a Course of what they call Law, that had they not been opposed by the People of these Grants (called the Mob) in the executing the same, they would before this Time, have been in Possession of that Territory, for which the Laws aforesaid are calculated. Therefore the Case stands thus: If we oppose civil Officers, in taking Possession of our Farms, we are, by these Laws, denominated Felons; or if we defend our Neighbours, who have been indicted Rioters, only for defending our Property; we are likewise adjudged Felons. In fine, every Opposition to their monarchial Government is deemed Felony, and at the End of every such Sentence there is the Word DEATH! And the same Laws further impower the respective Judges, provided any Persons, to the Number of Three, or more, that shall oppose any Magistrate, or other civil Officer, and be not taken, that after a legal Warning of Seventy Days, if they do not come and yield themselves up to certain Officers appointed for the Purpose of securing them; then it shall be lawful for the Judges aforesaid, to award Execution of DEATH, the same as tho' he or they had been convicted or attainted before a proper Court of Judicature, &c. The candid Reader will doubtless observe, that the diabolical Design of this Law, is to obtain Possession of the *New-Hampshire* Grants, or to make the People that defend them Out-Laws, and so kill them whenever they can catch them.

THOSE bloody Law-Givers know we are necessi-
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tated to oppose their Execution of Law, where it points directly at our Property, or give up the same: But there is one Thing is Matter of Consolation to us, viz. that printed Sentences of Death will not kill us when we are at a Distance; and if the Executioners approach us, they will be as likely to fall Victims to Death as we: And that Person, or Country of Persons, are Cowards indeed, if they cannot as manfully fight for their Liberty, Property and Life, as Villains can to deprive them thereof.

THE *New-York* Schemers accuse us with many Things, Part of which are true, and Part not. -- With Respect to rescuing Prisoners for Debt, it is *false*. As to assuming judicial Powers, we *have not*, except a well-regulated Combination of the People to defend their just Rights, may be called so. As to forming ourselves into Military Order, and assuming Military Commands, the *New-York* Possies, and Military Preparations, Oppressions, &c. *obliged us to it*. Probably Mess. *Duane, Kemp, and Banyer*, of *New-York*, will not discommend us for so expedient a Preparation; more especially since the Decrees of the 9th of March, are yet to be put in Execution: And we flatter ourselves, upon Occasion, we can muster as good a Regiment of Mark's-men and Scalpers, as *America* can afford; and we now give the Gentlemen above-named, together with Mr. *Brush*, and Col. *Ten Broeck*, and, in fine, all the Land-Jobbers of *New-York*, an Invitation to come and view the Dexterity of our Regiment; and we cannot think of a better Time
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for that Purpose, than when the Executioners come to kill some or all of us, by Virtue of the Authority their Judges have lately received to award and Sentence us to Death in our Absence. There is still one more notable Complaint against us, viz. That we have insulted and menaced several Magistrates, and other civil Officers, so that they dare not execute their respective Functions : This is *true*, so far as it relates to the Magistrates. But the Public should be informed, what the Functions of those Magistrates are : They are commissioned for the sole Purpose of doing us all the Harm and Mischief they possibly can, through their Administration and Influence ; and that they might be subservient to the wicked Designs of the *New-York* Schemers. These are their Functions ; and the Public need no further Proof than the Consideration that they are the Tools of those extravagant Law-Makers ; and it must be owned, they acted with great Judgment, in chusing the most infernal Instruments for their Purpose.

DRACO, the *Athenian* Lawgiver, caused a Number of Laws (in many Respects analogous to those we have been speaking of) to be *written* in Blood. But our modern *Draco's* determine to have their's *verified* in Blood. They well know we shall more than *Three*, nay, more than *Three Times Three Hundred*, assemble together, if Need be, to maintain our common Cause, till his Majesty determines who shall be and remain the Owners of the Land in Contest. “ *Wilt not thou possess that which Chemoth, thy God, giveth thee to possess ?*” So will we possess

possess that which the Lord our God (and King) giveth us to possess.

AND lastly, we address ourselves to the People of the Counties of *Albany* and *Charlotte*, which inhabit to the Westward of, and are situated contiguous to the *New-Hampshire* Grants.

GENTLEMEN, FRIENDS AND NEIGHBOURS,
 PROVIDENCE having allotted and fixed the Bounds of our Habitations in the same Vicinity, which, together with the Intercourse of Trade and Commerce, hath formed an almost universal Acquaintance and Tie of Friendship between us, and hath laid such a Foundation of Knowledge, that your People in general cannot but be sensible that the Title of our Land is in Reality the Bone of Contention, and that as a People, we behave ourselves orderly; and are industrious, and honestly disposed; and pay just Déference to Order and good Government; and that we mean no more by that which is called the Mob, but to defend our just Rights and Properties. We appeal to the Gentlemen Merchants, to inform whether our People in general, do not exert themselves to pay their just Debts; and whether ever they have been hindered by the Country's Mob, in the Collection of their Dues. But as the Magistrates, Sheriffs, Under-Sheriffs, Coroners, and Constables of the respective Counties that hold their Posts of Honor and Profit under our bitter Enemies, we have a Jealousy, that some of them may be induced (to recommend

recommend themselves to those on whom they are dependant, and for the Wages of unrighteousness, offered by Proclamation) to presume to apprehend some of us, or our Friends : We therefore advertise such Officers, and all Persons whatsoever, that we are resolved to inflict *immediate Death* on whomsoever may attempt the same : And provided any of us or our Party shall be taken, and we have not Notice sufficient to relieve them, or whether we relieve them or not, we are resolved to surround such Person or Persons, whether at his or their own House or Houses, or any where that we can find him or them, and *shoot such Person or Persons dead*. And furthermore, that we will *kill* and *destroy* any Person or Persons whomsoever, that shall *presume* to be accessory, aiding or assisting in taking any of us as aforesaid ; for by these Presents we give any such disposed Person or Persons to understand, that, altho' they have a Licence by the Law aforesaid, to *kill* us ; and an " Indemnification " for such Murder from the same Authority ; yet they have no Indemnification for so doing, from the GREEN MOUNTAIN BOYS ; for our Lives, Liberties and Properties are as verily precious to us, as to any of the King's Subjects ; and we are as loyal to his Majesty or his Government, as any Subjects in the Province : But if the Governmental Authority of *New-York* will Judge in their own Case, and act in Opposition to that of *Great-Britain*, and insist upon *killing* us to take possession of our " Vineyards " come on, we are ready for a Game of Scalping with them ; for our martial Spirits glow with Bitter Indignation,

Indignation, and consummate Fury to Blast their Infernal Projections.

“ It may be the Reader, not having seen the Law referred to in this Piece, and not being thoroughly acquainted with the long and spirited Conflict that hath subsisted between the Claimants under *New-Hampshire* and *New-York*, nor of the Progressive, Arbitrary and Monopolizing disposition of the Court Party of the latter of those Provinces ; may be apt to imagine that the Spirit of this Writing is too severe, inasmuch as it Destines whoever presumes to take us as Felons or Rioters, to immediate Death ; but let the Wise consider the State of the Cause.

1. PROVIDED we on our Part be taken, we have by them Laws the Sentence of Death already pronounced against us, on Provifo more than Three of us assemble together to maintain and defend our Property, till his Majesty determines the Controversy. And,

2. MAY it be considered, that the Legislative Authority of the Province of *New-York* had no constitutional Right or Power to make such Laws, and consequently that they are Null and Void, from the Nature and Energy of the English Constitution ; therefore as they merit no Place among the Laws of the Realm of Great-Britain, but are the arbitrary League and Combination of our bitter and merciless Enemies, who, to obtain our Property, have inhumanly, barbarously, and maliciously,

ously, under the specious and hypocritical Pretence of legal Authority, and Veneration for Order and Government, have laid a Snare for our Lives. Can the Public censure us for exerting Ourselves nervously to preserve our Lives in so critical a Situation? For by the Laws of the Province, into which we are unfortunately fallen, we cannot be protected in either Property or Life, except we give up the Former to secure the Latter; so we are resolved to maintain both, or to hazard or loose both.

FROM hence follows a necessary Inference, That inasmuch as our Property, nay our Lives, cannot be protected (but manifestly struck at) by the highest Authority in the Province to which we at present belong; therefore in the Interim, while his Majesty is determining the Controversy, and till he shall interpose his Royal Authory, and subject the Authority abovesaid to their Duty, or re-annex the District of disputed Lands to the Province of *New-Hampshire*, or some Way in his great Wisdom and Fatherly Clemency, put the distressed Settlers under *New-Hampshire*, on an equal Footing with our Brother Subjects in his Realm; we are under Necessity of resisting, even unto Blood, every Person who may attempt to take us as Felons or Rioters as aforesaid; for in this Case it is not resisting Law, but only opposing Force by Force; therefore inasmuch as by the Oppressions aforesaid, the *New-Hampshire* Settlers are reduced to the disagreeable State of Anarchy and Confusion; in which State we hope for Wisdom, Patience and Fortitude, till the

the happy Hour his Majesty shall graciously be pleased to restore us to the Privileges of Englishmen.

Signed per	ETHAN ALLEN,
	SETH WARNER,
Bennington,	REMEMBER BAKER,
	ROBERT COCKRAN,
April 16, 1774.	PELEG SUNDERLAND,
	JOHN SMITH,
	SILVANUS BROWN.

N. B. WHEREAS Mr. *James Breakenridge*, hath the Honour to be enroled a Rioter with us, we can assure the Public that this worthy Gentleman hath never been concerned with us in any Mob whatsoever; but that he hath always relied on a good Providence, and the regal Authority of *Great-Britain* for the Confirmation of the *New-Hampshire* Charter; exclusive of all forcible Measures whatsoever.

“ When *Cæsar* reigned King at *Rome*,
St. Paul was sent to hear his Doom;
 But *Roman* Laws in a criminal Case,
 Must have the Accuser Face to Face,
 Or *Cæsar* gives a flat Denial.---
 But here's a Law made now of late;
 Which destines Men to awful Fate,
 And Hangs and Damns without a Trial.
 Which made me view all Nature through,
 To find a Law where Men were ti'd,
 By legal Act which doth exact
 Men's Lives before they're Try'd.

Then

Then down I took the sacred Book,
 And turn'd the Pages o'er,
 But could not find one of this kind,
 By God or Man before. T. R.

In order to exhibit a more full Narrative of the real State of the Controversy aforesaid, it is thought Necessary here to Insert sundry Letters from Governor Tryon to the Inhabitants of *Bennington* and the adjacent Country, and their Answers thereto, as they were published in sundry public News-Papers; which will serve to open to View the antecedent State, and Progression of the Controversy, as far back as the Year 1772, and Reflect Light on so important a Cause.

From the CONNECTICUT COURANT, No. 394.

New-York, 19th May, 1772.

“ ON HIS MAJESTY’S SERVICE,

“ *To the Rev. Mr. Dewey, and the Inhabitants of Bennington, and the adjacent Country, on the East Side of Hudson’s River.*

GENTLEMEN,

THE many violent and illegal Acts you have lately committed against the Peace and good Order of this Province, of which I have had frequent Proofs and Informations, at the same Time that they are not only a Reproach to yourselves, but dangerous and injurious to your Families and Interests, cannot fail of being highly offensive to your Sovereign. You may depend a Perseverance in your Disobediance to, and Violations of the Laws
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of your Country must soon draw forth against you the Exertions of the Powers of Government. However, being sincerely desirous on my Part, to avoid compulsive Measures, while lenient Methods may prove successful; I esteem it my Duty to invite you to lay before this Government the Causes of your illegal Proceedings; and it is with the Concurrence and Advice of his Majesty's Council that I send you this Invitation, who, with me are disposed to examine into the Grounds of your Behaviour and Discontent with Deliberation and Candor, and as far as in us lies, to give such Relief as the Nature of your Situation and Circumstances will justify. That there may be no Obstruction to your laying before me in Council, as soon as possible, a fair Representation of your Conduct, I do hereby engage full Security and Protection to any Persons whom you shall choose to send on this Business to *New-York*, from the Time they leave their Homes to the Time of their Return, except *Robert Cockran*, as also *Allen*, *Baker*, and *Sevil*, mentioned in my Proclamation of the 9th of December last, and *Seth Warner*, whose audacious Behaviour to a Civil Magistrate, has subjected him to the Penalties of the Laws of his Country. I am told Mr. *William Dewey*, a Minister of the Gospel, *James Breakenridge*, and Mr. *Fay*, are Persons in whose Judgment you have much Confidence; I should therefore think they would be your proper Messengers on a Business in which you are so deeply concerned, especially Mr. *Dewey*, who has been favourably represented here since my Appointment to this Government. His Majesty's Secretary of State has signified to me that the King
has

has finally fixed *Connecticut* River to be the established Jurisdiction between the Government of *New-York* and *New-Hampshire*.

“ This Circumstance I mention that you may not be misled or deceived by a Perswasion, that that Part of the Country you inhabit, will ever be annexed to the Government of *New-Hampshire*. I have this farther Motive for mentioning the King’s final Decision, that by your receiving this Authority of your being in the Government of *New-York*, I am hopeful your future Conduct will justify me in assuring his Majesty of your dutiful Obedience to his royal Determination. I flatter myself you will chearfully improve this final Offer of reconciling yourselves to this Government. I am your Friend,
W. TRYON.

“ *A true Copy of his Excellency’s Letter.*”

Bennington, 5th June, 1772.

To his Excellency,

W I L L I A M T R Y O N, ESQUIRE, &c.

“ *May it Please your Excellency,*

WE his Majesty’s leige and loyal Subjects of the Province of *New-York*, having received your particular Favour of the 19th Day of *May* last, requesting the Inhabitants of *Bennington*, and the adjacent Country on the East Side of *Hudson’s* River, to lay before your Excellency and Council, the Cause of our Discontent and Behaviour, do now express our Satisfaction in having this very Opportunity to acquaint your Excellency,

“ FIRST

“ FIRST, That we hold the Fee and Property of the Lands we are settled on, and in Possession of, by Virtue of Grants from their Majesties *George the Second and Third, &c.* which Lands at the Time of thus being granted, was reputed to be within the Jurisdiction of the Province of *New-Hampshire*, until the Year 1764, when some of your Excellency's now Subjects had by some Measures obtained his Majesty's Pleasure for Alteration of Jurisdiction-line between the Provinces of *New-Hampshire* and *New-York*; since this, sundry Grants, have been made by those in the Administration of Government in the said Province of *New-York*, on the very Land before granted by their Majesties to us, as though the Fee of the Land and Property was altered with Jurisdiction, which we suppose was not. The Measures taken to dispossess us of those Lands by repeated Writs of Ejectments, Suits at Law, Rejection of Proof from authentic Records, refusing a suitable Time and Opportunity for Collection of Evidence to support and vindicate our Cause, contrary, (as we suppose) to the usual Customs of the Law of the Province, seem to be the Grounds of our Discontent, and that illegal and unconstitutional Method of Proceeding in Indicting sundry persons who are bound by the Law of Self and Family Preservation to maintain their Liberty and Properties; the Usage of those intreaguers that would Monopolize our Interests to themselves by such irregular Steps.---

“ Their Methods of breaking by Violence, Houses for Possession, and to obtain those whom they are pleased to denominate riotous, tumultu-
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ous and disorderly, their firing on those People, and wounding innocent Women and Children, to compass their Designs, may have occasioned some very disagreeable and unhappy Disturbances among the Friends of Mr. *Remember Baker*, residing on the *New-Hampshire* Grants, which we suppose your Excellency has been pleased to mention illegal. The foregoing is an exact Account of our hitherto Ideas of the State of the present Case, and on this Footing we must closely adhere to the maintaining our Property, with a due Submission to your Excellency's Jurisdiction, and if we should, through Ignorance or Inadvertency, have hitherto misunderstood either your Excellency, or the Occasion of your Excellency's Request, we beg the Favour to be undeceived. The Persons chosen to present these Lines we hope may give your Excellency some further Satisfaction.

“ WE flatter Ourselves from the Candor of your Excellency's favourable Letter, that you will be friendly disposed toward us; and we most earnestly pray and beseech your Excellency would assist to quiet us in our Possessions, till his Majesty in his royal Wisdom shall be graciously pleased to settle the Controversy. Should your Excellency Grant this our humble Request, our Satisfaction would be inexpressible.

“ THEREFORE, confidently trusting in your Excellency's Wisdom and Clemency, as Members of your Province, as loyal and submissive Subjects
to

to his Majesty, we beg Leave to Subscribe ourselves your Excellency's faithful, obedient, and very humble Servants.

A true Copy of the Answer to Excellency's Letter of the 19th of May last.

Bennington, 5th June, 1774.

TO HIS EXCELLENCY,

WILLIAM TRYON, ESQUIRE, &c.

May it please your Excellency,

WE, His Majesty's loyal Subjects, whose Names are to this Piece affixed, Inhabitants on that Tract of Land, your Excellency discribes by the Name of *Bennington*, and the adjacent Country, &c. and who was by your Excellency's Letter of the 19th of May last, prohibited the Privilege of going to *New-York*, and personally vindicate either ourselves or Country, before your Excellency, and being put to the Extremity of informing your Excellency by Writing, the Reason of our Discontent, and also of our Behaviour, which we shall more largely set forth, than is in the foregoing general Answer to your Excellency's Letter; and also exhibit more Arguments deduced from Reason and the Nature of Things, we hope your Excellency will be graciously pleased to view this our Defence with that Tendernefs and Candor a Gentleman in so elevated a Station should do, and therefore beg Leave to observe, that as on the one Hand, no Consideration whatever, shall induce us to remit in the least, of our Loyalty and Gratitude to our most gracious Sovereign, nor of a reasonable Submission to your Excellency;

Excellency; so on the other Hand, no tyrannical Exertions of the Powers of Government, can deter us from asserting and vindicating our undoubted Rights and Privileges as Englishmen. We expected an Answer from your Excellency, to our humble Petition to you delivered soon after your Excellency's Accession to the Administration of the Government, but for Reasons to us unknown, your Excellency passed it by in Silence. However, we chearfully embrace this Opportunity of laying before your Excellency in Council the true State of our Controversy, which we can no otherways do, but by absorbing our personal Distinction into the Community, and general Cause, to which we have obtained the Character of faithful. We assure your Excellency that we assent to your Authority of Jurisdiction inasmuch as his Majesty's Proclamation assures us it is his Will and Pleasure we be under the Jurisdiction of *New-York*, and not only now Assent to it, but have ever done the same, except in Instances where such perverse Use has been made thereof, as would dispossess us of our Property and Country, we are truly desirous, and petitioning his Majesty to re-annex us to the Province of *New-Hampshire*. But this is not the Ground of our Discontent, or at least is far from being the principle Ground of it, though it was done *ex parte*, and we apprehend there were more or less wrong Representations made to his Majesty, to obtain the Jurisdiction: However, it is the unreasonable and unconstitutional Exercise of it that is the present Bone of Contention---our Properties are all at Stake; this we contend for, as the following known

Facts

Facts will demonstrate. A certain number of designing Men in *New-York* (and elsewhere) procured Patents under the Great Seal of that Province, and those Grantees being non-residents, brought sundry Writs of Ejectment against the *New-Hampshire* Settlers on the same Land, covered by both Patents as aforesaid, and obtained Judgment against them, and proceeded further and took out Writs of Possession, and actually dispossessed several of them by Order of Law, of their Houses and Farms, leaving them to suffer the Inclemency of the Weather, bereaved of all the Necessaries of Life, their new Masters having monopolized their earthly ALL, to themselves. These indigent Families having in the first Place expended their several Fortunes, in bringing their Farms out of a wilderness State, into that of fruitful Feilds, Gardens and Orchards; the whole Country consisting of more than Fifteen Hundred Families, was greatly alarm'd at the Event which had already began to take Place, was in the greatest Consternation, each Individual, from these Instances, reading their own intolerable and universal Destruction.----Still the Writs of Ejectment came thicker and faster, and universal Slavery, Poverty and Horror, emblematically appeared in every Countenance.

“ Thus, things having come to this Pass, the Oppression was too great for human Nature, under English Constitution, to grope under, for those unparralleled Instances struck an infinitely more terrible Idea, than that of the Exertion of the Powers of Government.

“ LAWS

“ LAWS and Society-compacts, were made to protect and secure the Subjects in their peaceable Possessions and Properties, and not to subvert them. No Person or Community of Persons can be supposed to be under any particular Compact or Law, except it pre-supposeth, that that Law will protect such Person or Community of Persons in his or their Properties, for otherways the Subject would by Law be bound to be accessory to his own Ruin and Destruction, which is inconsistent with the Law of Self-preservation; but this Law being natural as well as eternal, can never be abrogated by the Law of Men.

“ WE would acquaint your Excellency, that since our Misfortune of being annexed to the Province of *New-York*, Law has been rather used as a Tool (than a Rule of Equity) to cheat us out of the Country, we have made vastly valuable by Labour and Expence of our Fortunes.---We conclude these Things are yet unknown, or in a great Measure so to your Excellency, as your Excellency's Commencement to the Administration, hath not been long, and a Set of artful, wicked Men, concealing the Truth from your Excellency, purposing to make a Booty of us, characterizing us, (speaking of our Inhabitants in general) as so many Rioters if not Rebels; and we being a poor People at a great Distance from your Excellency's Place of Residence, fatigued in settling a Wilderness Country, have little or no Opportunity of acquainting your Excellency of our Greivances, except by one short Petition delivered to your Excellency

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cellency soon after your first taking the Administration---and as our Cause is represented before his Majesty and Council, we did not expect your Excellency to determine the Controversy, nor do we yet expect it. We are sensible those Men that seek our Ruin, thereby to enrich themselves, do by Stratagems of every Kind, represent us to your Excellency as Breakers of the Peace, and Enemies to the Government; and under this Pretence they hope to catch a Number of the boldest of our Inhabitants, and punish them in the *New-York* Inquisition, with that Severity that the Residue may be frightened out of both Liberty and Property; for otherways they would soon be indicted Rioters, and thus under Colour of punishing Rioters, and a Zeal of Loyalty and Veneration for good Government, rob the Inhabitants of their Country. If we do not oppose the Sheriff and his Possey, he takes immediate Possession of our Houses and Farms, if we do, we are immediately indicted Rioters; and when others oppose Officers in taking such their Friends so indicted, they are also indicted and so on, there being no End of Indictment against us so long as we Act the bold and manly Part, and stand by our Liberty.----

“ This is a short Sketch of the disingenuous Cunning of Messieurs *Duane*, and *Kemp*, and their Associates; and it comes to this at last, that we must tamely be dispossessed, or oppose Officers in taking Possession, and as a next necessary Step, oppose taking of Rioters so called, or run away like so many Cowards, and quit our Country to a Number
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ber of cringing, polite Gentlemen who have ideally possess'd themselves of it already.

“ As to sundry Men who have eloped lately from our Grants, and fled to *New-York* for Protection, Self-preservation necessitated us to treat some of them roughly ; and others, viz. *Ebenezer Cowle*, and *Jonathan Wheat*, of *Shaftsbury*, fled to *New-York*, on Account of their own Guilt, not being hurt or threatened. Would Time permit we could give a rational Account for most, or all of our late Conduct towards these Men. The general Reason is this, namely, they were a Set of Men that loved themselves, and not their Country, they busied themselves in planning and assisting to take Rioters so called. In fine, they were the Emisfaries of that mercenary Core of Yorkers, and did more in Oppressing the People, than their preposterous Benefactors.

“ The Assault made upon Mr. *Baker* at Day break, of the Night of the 22d of March last, by a Number of Ruffians under the Command of the infamous *John Munro*, Esq; was a notorious Riot, and gave Energy and Motion, to the subsequent Acts, your Excellency denominates illegal. This *Munro* and his bloody Party, by cutting, wounding and maiming, Mr. *Baker*, his Wife and Children, in such an inhuman and Savage Manner, was no less than proclaiming himself in a most public Manner to be a malicious and bloody Enemy, not only to Mr. *Baker*, but also to all those Men on our Grants, who manfully adhere to maintaining Liberty

berty and Property, and inasmuch as the murderous Villian is alive, he has no Cause of Complaint ---for after his Assault upon Mr. *Baker*, he made another Assault upon Mr. *Seth Warner*, but not having so strong a Party of Ruffians with him as in his other Expedition, it was not attended with the like Consequences, for Mr. *Warner*, struck his Head with a dull Cutlass, and levelled him to the Ground, but the Blow proved not Mortal, and after this, for his Satisfaction for the Wound, threatened the Lives of a Number of the *New-Hampshire* Settlers.---Your Excellency will undoubtedly consider as our Opponents have had the Manufactory of the Civil Laws so much under their Power, that this merciless Man could not be brought to Justice, nor could others among us be safe any other Way, but by using him in his own Play, he set the Example, and enraged the People to mimick him from that natural Principle of Justice in every Man's own Breast.

“ As to the perfidious and treacherous *Bliss Willoggby*, he always pretended to be a Friend of the said *Baker's*, and *Baker* had ever been truly a Friend of his---this Hypocrite, two Days before *Baker* was taken, made a frivolous Excuse of Business, went to said *Baker's* House, viewed the Strength of it, perceived *Baker* was somewhat careless and secure, and made Report to the said *Munro*. In fine, *Willoggby* was the Planner and Instigator of that savage Cruelty exercised to said *Baker*, which was perpetrated and brought into Action by the detestible said *Munro*. But to desist, as to the
History

History of our late transaction, whether they be all Right or not, we on our Part have a few Arguments & Considerations more to lay before your Excellency, as to the Cause of our Discontent, as well as to the Cause of our late Actions your Excellency denominates illegal.

“ The Alteration of Jurisdiction in 1764 could not effect private Property : Surely his Majesty by this Alteration, did not purpose to take away the personal Property of a large Number of his loyal Subjects, and transfer it to other Subjects; the English Constitution will by no Means admit of this, for the transferring or alienation of Property is a sacred Prerogative of the true Owner.---Kings and Governors cannot intermeddle therewith. Furthermore Your Excellency & Council must needs be acquainted that we have a Petition lying before his Majesty and Council, for Redress of our Grievances. That is an impartial Board; pray why may it not be determined there ? For the very indentical Matters in Dispute, are now and for several Years past, have been lying before that Court, except the Accusations of Riotousness, Disorderly, &c. which is improved as a Handle to subvert Property, and that only.

“ FURTHERMORE, in the Time of Sir Henry Moor's Administration, his Majesty was pleased to lay the Government of *New-York*, under absolute Prohibition not to grant or patent any of the Lands antecedently granted under the Great Seal of the Province of *New-Hampshire*, and Further-
more

more forbid the Government to disturb or molest the Settlers. This rightly understood, amounts to a Supercedies over the Authority of Common Law, and absolutely controuls the Cognizance thereof. As to the particular Matters in the Prohibition set forth, or Matters lying before his Majesty by Petition, the Import of the Prohibition must needs be thus, Namely, that his Majesty, by it informs the Government of *New-York* that he has taken the Controversy to him made known by Petition, under his Royal Consideration, and that, after due Information and Evidence of the State of the Case, determines to settle the Controversy; consequently forbids the Government taking Cognizance thereof; and Common Sense teaches us that under such Prohibition, if a Judgment at Common Law be supposed to be valid, it would invalidate the Authority of the Crown, and subvert and overthrow the Authority of the Kingdom, as it would render the Prohibitions of the Crown perfectly impertinent. Therefore Common Law, in the Case before us, is not cloathed with Cognizance of this Case, much less with Authority to dispossess us; consequently every Party of Men that have with Officers or otherwise, come into these Parts to dispossess us, came in open Defiance and direct Opposition to his Majesty's Orders and Authority: And tho' they stile us Rioters, for opposing them, and seek to catch and punish us as such, yet in Reality, themselves are the Rioters, the tumultuous, disorderly, stimulating Faction, or, in fine, the Land-robbers; and every violent Act they have done to compass their Designs, tho' ever
so

so much under Pretence of Law, is in Reality a Violation of Law, and an Insult on the Constitution, and Authority of the Crown, as well as to many of us in Person, who have been great Sufferers by such inhuman Exertions of pretended legality of Law.---Right, and Wrong, are eternally the same to all Periods of Time, Places and Nations, and colouring a Crime with a specious Pretence of Law, only adds to the Criminality of it; for it subverts the very Design of Law, prostituting it to the vilest Purposes. Can any Man, in the Exercise of Reason make himself believe that a Number of Attornies and other Gentlemen, with all their Tackle of Ornaments, and Compliments, and French Finesse, together with their boasted Legality of Law, that these Gentlemen have just Right to the Lands Labours and Fortunes of the *New-Hampshire* Settlers? Certainly they cannot. Yet this is the Object in View by that mercenary Fraternity.

“ WE do not suppose, may it please your Excellency, we are making Opposition to a Government, as such; it is nothing more than a Party, chiefly carried on by a Number of Gentlemen Attornies (if it be not an Abuse to Gentlemen of Merit to call them so) who manifest a surprizing and interprizing Thirst of Avarice after our Country, but for a Collection of such Intreaguers, to plan Matters of Influence of a Party, so as eventually to become Judges in their own Case, & thereby cheat us out of our Country, appears to us so audaciously unreasonable and tyrannical that we view it with the utmost Detestation and Indignation,

on,

on, and our Breasts glow with a martial Fury to defend our Persons and Fortunes from the Ravages of those that would Destroy us; but not against your Excellency's Person or Government.

“ WE are fully perswaded your Excellency's Ears have been much abused by subtle and designing Men, for we are informed from credible Authority, your Excellency has lately made Application to your Assembly to raise an armed Force to subdue us, but that the Motion was negatived: We apprehend your Excellency views us as opposing your Excellency's Jurisdiction, and that the violent Acts, by us done, was in Rebellion to his Majesty's Authority, or your Excellency had never proposed the subduing of us; We are morally Certain we can convince your Excellency, that it is not so; but that on the other Hand Messieurs *Duane, Kemp*, and their Associates are the Aggressors.

“ WE have chosen two Men from among us, viz. Capt. *Stephen Fay*, and Mr. *Jonas Fay*, to treat with your Excellency in Person, who we hope will Answer such Queries, and give your Excellency the Satisfaction you hope for.

“ WE view your Excellency as our Governor and political Father, and hope and expect, from the Sincerity and Candor of your Excellency's Letter, you will be friendly and favourably disposed towards us, when your Excellency by these Lines perceive the Grounds of our Discontent:
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For we are Conscious that our Cause is good, and that it was Oppression which has been the Ground of our Discontent, and that Self-preservation hath hitherto urged us to the Measures lately taken. And we now earnestly intreat your Excellency's Aid and Assistance to quiet us in our Possessions and Properties, till his Majesty in his royal Wisdom Settle the Controversy: If your Excellency should do this, there would be an End of Riots, so called, and our Tongues unable to express our Gratitude to your Excellency for such Protection.

“ THEREFORE, relying on your Excellency's great Wisdom and Goodness, as Members of your Government, his Majesty's loyal and liege Subjects, we subscribe Ourselves your Excellency's ever faithful and humble Servants,

ETHAN ALLEN,
SETH WARNER,
REMEMBER BAKER,
ROBERT COCHRAN.

An Encomium on his Excellency Governor Tryon, and his Majesty's Honourable Council of the Province of New-York.

Copied from the CONNECTICUT COURANT.

WHEREAS the Inhabitants of the Lands West of *Connecticut* River, who purchased their Lands of his Majesty's Government of *New-Hampshire*, who on the Faith of Government, and full Reliance on the Veracity of Charters under the Great Seal of that Province, have settled, cultivated, and made great Improvements thereon;
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which Tract of Land, in the Year Seventeen Hundred and Sixty-Four, his Majesty was pleased to annex, the Province of *New-York*. And whereas, subsequent thereto, a Number of mercenary & litigious Gentlemen of the Province (and principally of the City) of *New-York*, procured Patents under the Great Seal of that Province, & covered sundry Townships the same identical Land, antecedently granted under the Great Seal of the Province of *New-Hampshire*. And whereas many vexatious Law-suits, and clandestine and oppressive crown Prosecutions, have been craftily, subtilly, and with a Design to over-awe, abuse, terrify, and impoverish the said Inhabitants, hath been militated, devised and prosecuted against them, by the Influence of the Gentlemen aforesaid, purposing by such base and oppressive Measures of Policy, to defraud and wrong the said Inhabitants, out of the Possession and Property of their Country. And in order to elude & defeat such their disingenuous and vicious Policy, the said Inhabitants mutually agreed to oppose *New-York* Officers, in their Attempts to take Rioters, so characterized, and take every other requisite, lawful and effectual Method to defend their Property.

“ And Matters having come to this, that Hostility, Revenge and Hatred, had began to put on their bloody, murderous, and vengful Emblems---In which propitious Hour, his Excellency WILLIAM TRYON, Esq; Governor of the Province of *New-York*, sent the said Inhabitants a kind, lenient and generous Letter, which breathed forth
rather

rather the Affections of a Father, than a hard-hearted Judge; requesting the said Inhabitants to exhibit to him in Council, the Grounds of their Discontent and Uneasiness, and the Cause of their violent and illegal Proceedings; assuring them, that they should be heard with Candor in the Premises, and have such Relief as the Nature and Circumstances of their Case should justify.

“ UPON which the Town of *Bennington*, and the adjacent Towns, by their Committees, met at *Bennington*, and sent a written Answer to his Excellency's Letter, informing him of the State of the Controversy, and withal of the Ground of their Uneasiness and Discontent, and the Cause of their Proceedings; and also made Choice of Captain *Stephen Fay*, and Doctor *Jonas Fay*, of *Bennington*, to go to *New-York*, and deliver the written Answer to his Excellency, and further inform him as to the State of Facts, and negotiate the Matter of our Petition; (though not with Power to compleat a Settlement on our Part.) His Excellency received the Agents with Expressions of Kindness---laid the State of Grievances before His Majesty's honourable Council, who after mature Consideration, determined in the following Words: “ The Committee are desirous your Excellency should afford the Inhabitants of those Townships, all the Relief in your Power, by suspending, till his Majesty's Pleasure shall be known, all Prosecutions in behalf of the Crown, on Account of the Crimes with which they stand charged, by Depositions before us, and to recommend it to the Owners of the contested

tested Lands under Grants from this Province, to put a Stop, during the same Period, to all civil Suits concerning the Lands in Question."

AFTER our Agents received Copies of the Minutes of Council, and also a Letter from his Excellency, purporting his Approbation and Compliance therewith, they retired to *Bennington* with great Joy---warned a Meeting of that Town and the adjacent Country, which was held on the 15th of July Ultimo; and before a large Auditory of People, the Copy of the Minutes of Council was read, and also his Excellency's Letter of Compliance to the same, which defused universal Joy through the Country of the *New-Hampshire* Grants, and the People were at Strife in doing the most exalted Honour to Governor *Tryon*. And having at *Bennington* a Cannon, it was discharged sundry Times in Honour to his Excellency and his Majesty's honourable Council, and after the Report of the Cannon, each several Time, the whole Audiencé gave a Huzza! in Acclamation, Good-will, Gratitude and vocal Honour to Governor TRYON, and Capt. *Warner's* Company of GREEN MOUNTAIN-Boys under Arms, fired three Vollies of small Arms, in Concert and Aid of the Glory.

" His Majesty's Health, also a Health to his Excellency, and his Majesty's honourable Council was drank, with full flowing Bowls, and Confusion to all the *New-York* Land-jobbers, hoping Peace, Liberty and Plenty may abound. Dated August 22d, 1772.

From

From the CONNECTICUT COURANT.

His Excellency Governor TRYON's Letter to the
Inhabitants of *Bennington*, &c.

Albany, 11th August, 1772.

GENTLEMEN,

“ **A**T the same Time I express to you my Satisfaction by the Opportunity of Mr. *Fay*, on the grateful Manner in which you received and accepted the lenient Measures prescribed by this Government, for your peaceable Conduct until his Majesty's Pleasure should be known, respecting the disputed Claim to Lands within this Government. I cannot conceal from you my high Displeasure at the Breach of Faith and Honor, made by a Body of your People, in dispossessing several Settlers on *Otter Creek*, and its Neighbourhood, of their Possessions, during the very Time the Commissioners you appointed to attend on me at *New-York*, were waiting the Determination of Government on your Petition, that you might remain unmolested in your Possessions, until the King's Pleasure be obtained. Such disingenuous and dishonourable Proceedings, I view with great Concern, considering them as daring Insults to Government, a Violation of public Faith, and the Conditions granted to you on Petition. To prevent therefore the fatal Consequence that must follow so manifest a Breach of public Confidence, I am to require your Assistance, in putting forth- with those Families who have been thus dispossessed, into Re-possession of their Lands and Tenements,

ments, in the same Manner in which they were at the Time Mr. *Fay* and his Son, waited on me at *New-York*. Such a Conduct on your Part, will not fail of recommending your Situation to his Majesty, and insure a continuance of my friendly Intentions towards you.

WM. TRYNN.

To the Inhabitants of Bennington, and the adjacent Country.

Bennington, August 25th, 1772.

To His EXCELLENCY.

WILLIAM TRYON, ESQUIRE, &c.

“ *May it please your Excellency,*

WE his Majesty's leige and loyal Subjects, Inhabitants of *Bennington*, and the adjacent Country, have received your Excellency's Letter, of the 11th of August Instant, by which we are inform'd of your Excellency's high Displeasure towards us, by Reason of a Body of our People's dispossessing several Settlers on *Otter-Creek*, and its Neighbourhood, of their Possessions, during the very Time our Messengers attended on your Excellency at *New-York*, and were waiting the Determination of Government, on our Petition, that we might remain unmolested in our Possessions, till the King's Pleasure could be obtained. Your Excellency further informs us, that you Look on our late Proceedings with great Concern, viewing them as daring Insults to Government, a Violation
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of public Faith, and the Conditions granted to our Petition. We would with proper Submission, give your Excellency and Council, a short Narrative of Facts, with a few Reflections and Reasons thereon. And,

“ FIRST, we would observe, That our Messengers your Excellency stiles Commissioners, was not authorized to establish, and compleat Articles of public Faith for their Constituents. The Business assign'd them, was to deliver the written Petition, and inform your Excellency and Council of the Facts of the Controversy subsisting, and further negotiate and forward the Matter of our Petition, and return to us the Determination of Government, reserving to Ourselves the Power of assenting to, or dissenting therefrom, tho' true it is, when the Articles of amicable Settlement, or Order of Government was read at a public Meeting held at *Bennington*, on the 15th Day of July Ultimo, the said Order and Proposals were universally complied with by those present: From which Time we reasonably Compute the Date of public Faith, and sacred Bond of Friendship, but in the Interim, the Conditions of Faith was forming, and before a Ratification thereof, Mr. *Kockburn*, a noted Surveyor, unknown (as we suppose) to your Excellency, and Council, who, by the Contrivance, Aid and Employ of certain monopolizing Adversaries of our's, took a Tour to the northerly Parts of the *New-Hampshire* Grants, to survey, and make Locations on our Land. Such Locating we view as a manifest Plan, and Intention

on of invading our Property---the same as in-trenching round the City, portraits a Siege thereof.

OUR People having Notice of Mr. *Kockburn's* Intrusion on our Borders, rallied a small Party, and pursued, and overtook him and his Party, and in their Pursuit, passed the Towns of *Panton* and *New-Haven*, near the Mouth of *Otter Creek*; dispossessed Col. *Reed* of a Saw-Mill in said *Panton*, which by Force, and without Colour, or even Pretence of Recourse to Law, he had taken from the original Owners and Builders, more than three Years before, and did at that same Time extend his Force, Terrors and Threats into the Town of *New-Haven*; who, by the vicious and haughty Aid of Mr. *Benzell*, the fam'd Engineer, with a Number of Assistants, under their Command, so terrified the Inhabitants (which were about twelve in Number) that they left their Possessions and Farms to the Conquerors, and escaped with the Skin of their Teeth, although they had expended large Sums of Money in cutting Roads to, and settling in that new Country, as well as fatigued and laboured hard in cultivating their Farms: Col. *Reed* at the same Time, and with the same Force, did take Possession of one Hundred and Thirty Saw-Logs, and fourteen Thousand Feet of Pine Boards, which Boards were made in the same Mill, & all lying thereby, all which he converted to his own Use. Not long after, the original Proprietors of the said Mill, did re-enter, and take Possession thereof, but was a second Time attacked by Col. *Reed's* Stewart, with a Number of armed Men, under his
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(supposed) Instructions, and by their superior Force and Threats, obliged to quit the Premises again--all which Tenements, said *Reed* occupied and enjoyed until dispossessed, as your Excellency's Letter complains of.

BUT to return to *Kockburn* again. Our Party having taken him as aforesaid, brought him to the Town of *Castleton*, near *South Bay*, where being first informed of your Excellency's Clemency as well as that of the honourable Council, in granting the Prayer of our Petition; and in Conformity to the Articles of Settlement agreed on, dismissed him on honourable Terms.

THIS is a short Narrative of Facts, for the Proof of which, sufficient Affidavits can be educed,

WE are apprehensive your Excellency has been hitherto unacquainted with these Facts, and have therefore exhibited them in this Letter; although it appears strange to us, according as your Excellency's own Letter states the Matter, that we should be suspected or taxed with violation of public Faith, and that our disingenuous and dishonourable Violation thereof, hath nullified and made void the late amicable Settlement; for at the same Time your Excellency charges us with breach of Faith, and Settlement, the very Preliminaries of this Faith was not known on our Part, and consequently could not have been complied with, the very Stipulation and Faith spoken of, did not then exist, for it must be the Meeting of

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the Minds of the contracting Parties, which constitutes such Faith and Agreement, and of Course cannot be broken before its existence.

MR. *Kockburn's* locating our Lands in the mean Time the Preliminaries of Public Faith were forming, was at least as much a Breach of that Faith, as what we are charged with. Nay, according to our Conception of the Matter, more so; as he made the first Movement towards the Invasion of our Property.

Soon after, our Messengers returned from New-York, and read the Minutes of Council, and your Excellency's Letter of Compliance therewith, to a large Auditory convened at Bennington for that purpose, composed of the Inhabitants of that Place, the adjacent Country, and sundry respectable Gentlemen from the neighbouring Provinces; your Excellency's gracious, wise, and benevolent Proposals for settling Unity and Concord, in our Part of the Province, were by those present, unanimously applauded, and conceded to; and all possible public Testimonies of Honour and Respect, paid to your Excellency and Council, by sundry Discharges of Cannon and small Arms; your Excellency's Health, long Life, and Prosperity, as well as that of the honourable Council's, was the Toast; your Name commanded Reverence and Esteem, and your Excellency's Person in particular, became precious in our Eyes.

AND, we do humbly assure your Excellency we have no Disposition of Alienation of Affec-
tion,

tions towards you, or knowingly break any Article of Publick Faith.

THERE are two Propositions, which are the Objects of our Attention.

“ FIRSTLY; The Protection and maintaining our Property.

AND, SECONDLY; to use the greatest Care and Prudence, not to break the Articles of Publick Faith, or insult Governmental Authority.

THESE two Propositions, we mean strictly and religiously to adhere to. And for the more explicit Knowledge of the Preliminaries and Conditions of Publick Faith and Trust, we would inform your Excellency and Council, that our Acceptation of those Conditions on the Part of *New-York*, is, that they make no further settlements or Locations on our Lands, granted under the Great Seal of the Province of *New-Hampshire*, until his Majesty's Pleasure be obtained, as to the validity of the Grants: although this was not so fully expressed, yet we suppose it was implied in the Abstract of the Minutes of Council; if it was not, we pray, your Excellency and Council would undeceive us in that Particular, for if we are deceived in this, then, on this Hypothesis, your Excellency and Council's lenient and friendly Disposition towards Us, will not for the future, (by us) be viewed as such; for such Locations and Settlements on our Lands, would be incompatible with Friendship, and a manifest Infringement

ment on our Property, which has all along been the Bone of Contention.

THE last part of your Excellency's Letter to Us, contains a Requirement of our immediate Assistance in repossessing Col. *Reed*'s Tenants of said Tenements: As to this Particular, had your Excellency have known by what Means Col. *Reed* obtained Possession of them Lands and Tenements, undoubtedly your Excellency would not have required our Assistance in repossessing him; or have viewed with Concern, our dispossessing him, as a daring Insult to Government: For the Case rightly understood, it appears, that his Conduct was a daring Insult to Government, and continued Violation for more than three Years, of the Laws, Restrictions, Regulations, and OEconomy, both of God, and Man; a notorious Breach of the Tenth Command of the Decalogue, which says, "*Thou shalt not covet, &c.*" He coveting, did take the Saw-Mill-Logs, Boards, and also, the Lands, Labours, Possessions, Farms, Tenements, &c. &c. from the rightful Owners, Proprietors, and first Occupants thereof, without a process at Law, as aforesaid, to their Exclusion from the Premises more than three Years, all which Time He has been enriching Himself, by the improvement of their Estates; and, should we repossess him of the Premises again, We should become Co-Partners with Him, in his Wickedness. Such an Act we could not reconcile to our own Consciences; it being apparently immoral, and most flagrantly Cruel and Unjust.

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WHEN your Excellency and Council views these Facts, and Arguments, we humbly conceive we shall not be required to repossess Colonel Reed of the Premises: Nor do we expect your Excellency and Council will adjudge us to be Violators of the late Articles of Public Faith: All which with due Submission, we refer to your Excellency and Council.

AND, we do now, with due Reverence, ask the Favour of a few Lines, which may certify to us, the Determination of Government, relative to the Particulars litigated in this Paper, and remain your ever faithful and most obedient humble Servants.

AT a General Meeting held at Manchester, on the 27th Day of August 1772, by the Committee of the Towns of Bennington, Sunderland, Manchester, Dosseth, Ruport, Pollet, Wells, Poultney, Castleton, Pitsford and Rutland; the foregoing Answer to his Excellency's Letter of the 11th Instant, was read to the said Committees, and the Vote was called by Mr. Nathan Clark Chairman, whether the said Answer be approved of, by the said Committees? and it was voted in the Affirmative.

Test.

ETHAN ALLEN, Clerk for said Committees.

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A R G U M E N T S,

Demonstrating that the Property of the District of LAND aforesaid, was conveyed from the CROWN, to the NEW-HAMPSHIRE GRANTEES, by Virtue of their respective CHARTERS.

S E C T I O N I.

AS the Claimants under *New-Hampshire* rely on their Charters from that Government as the predicate and ground of their Title to the Property of the Land in Contest; so, on the other Hand, the Claimants under *New-York*, predicate and ground their Title to the same Land on the Validity of their Patents from *New-York*: This brings the Point in Issue between the respective Claimants to this single Question, namely, *Which of the said Governments conveyed the Fee of the Land in Contest?* For it is self-evident both could not. And upon exploring the Controversy, and animadverting on the Merits of the different Claims, be it which it will that may be allowed to stand the Test, and adjudged Valid, it will of Necessity invalidate the other. In the Discussion of this Subject, and searching into the Merit of the respective Claims, it is necessary to inspect into the Validity of the Grant from King CHARLES to the Duke of York, from which Foundation only, the Govern-
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ment of *New-York* deduce their Right of patenting the Lands in contest; yet the Matter of Fact is, that neither the Government of *New-York* as such, or any Individual therein, has ever had any Conveyance of any Land from the Duke of *York*, nor doth any Landlord or Person whatever, in the Government hold the Fee or Property of their Land, by Virtue of any Conveyance from the Duke of *York*; but they hold the Fee of their Lands on a very different Footing, viz. by Conveyance from the Crown; yet, if it be conceded to, that King CHARLES gave to his Brother James Duke of *York*, the Fee of the Lands West of *Connecticut* River, to the Head of *Delaware Bay*; and allowing the Fee to be still vested in him, his Heirs or Assigns, upon this Hypothesis no Person in the Province of *New-York* hath the Fee or Property of the Land they possess, the Fee remaining the Property of the Duke of *York*, his Heirs or Assigns. And further, upon the same Principle, those identical Patents under the Seal of *New-York*, which were laid on the *New-Hampshire* Grants, are in their own Nature, equally null and void, with all other Conveyances of Land in the said Province which have been given by the Crown, the Fee thereof being vested in the Duke of *York*, &c. So that the Grantees under *New-York* and *New-Hampshire*, are both, upon this Stating of the Case, equally destitute of the Fee of the Land contested for: But, upon this Stating, the Grantees under *New-Hampshire*, have the Argument of Settlement, and Occupation, and Possession, on their Side; which is abundantly sufficient to give the Priority, and Preference of Title to them; so that neither the Government of *New-York* or
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their Patentees, gain any Thing by building their Title on the said Grant to the Duke of York---for if there be any Thing in it, it defeats their own Title as well as that of *New-Hampshire*, proving too much for their Purpose, or nothing at all: But, if the Lands contained in the Duke of York's Grant reverted back to the Crown, then the Duke of York's Patent became extinct, null, and absolutely void, and is as though it never had been; whether the said Reversion happened in Consequence of the said Duke's abdicating the Throne---turning Papist, or by any formal Surrendery, or by any Means whatever, provided the Fee became revested in the Crown, then the said Charter became extinct, as aforesaid: so that whether the Fee of the Land in Dispute still remains in the said Duke of York, his Heirs or Assigns, or reverted, or was surrendered to the Crown, none of all this will in the least justify the Government of New-York or its Patentees, in founding their Pretensions of Title to the Lands aforesaid, by Virtue of the aforesaid Grant from King Charles to the Duke of York. For, take the Argument one Way, and it overturns both the Title of *New-York* and *New-Hampshire* also, leaving the latter in Occupation and Possession of the disputed Premises, and that only, being intirely destitute of the Fee; and the *New-York* Claimants destitute of the least Colour of Title whatsoever. But, take the Argument the other Way, viz. Provided the Fee of the Lands aforesaid reverted and been revested in the Crown, then the said Lands at the Time of first granting were crown Lands the same as though the Duke of York had never existed: But the Truth of the matter undoubtedly

is this, the under Proprietors all except William Penn, who had the several Countries parcelled out to them by the Duke of *York*, which was contained in his Grant ; surrendered their Charters to the Crown, whereby *New-York* and *New-Jersey*, became royal Governments : This then being the State of the Case, the Lands in Dispute became Crown Lands, and the Governor of *New-Hampshire*, as well as *New-York* Crown Officers, or King's Agents, and it is of no Consequence to the King which of his Governors, grants his Land, if so be they be granted to, and settled by loyal and industrious Subjects, thereby adding to the Revenue of the Crown and enlarging and strengthening the Kingdom : This being presupposed, and admit for supposition only, that the Governor *New-Hampshire* exceeded his proper Limits in crown Lands, must the Grantees who have settled those Lands, paid one of the crown Officers for granting the same, and expended their ALL, in settling and cultivating his Majesty's Wilderness Land, and who are truly loyal Subjects, be turn'd off the said Land by Thousands, and reduced to starving Poverty, together with their numerous Families, because one of the crown Officers either ignorantly or designedly imposed upon the People by granting Crown Lands over his Bounds ? This would be extreme wrong, the more so as it cannot be supposed that the Subjects are capable Judges of the Jurisdiction of Governments and consequently there should be the greatest care taken to guard the Subject from injury in all Cases of this Nature, the Truth of which will more fully appear by the following Considerations, viz. That notwithstanding

withstanding the supposed Error in granting the said Lands, yet the great End of the Crown in granting of it is compleatly answered, and provided the Subjects i. e. the Settlers are quieted in the Fee and Possession of the said Lands, they will not be injured, so that upon this Hypothesis, neither King nor Subject would sustain Damage : Indeed no Person in the Realm could have just Cause of Complaint. True, the respective Governors of *New-York* may insinuate, that upon this state of the Case, the Governor of *New-Hampshire* has cheated them out of their Fees for granting the said Land---though it is evident, if Crown Officers are faithful to the King and Subjects, they could take no more Money for granting Crown Lands, than a reasonable Compensation for their Trouble, and the other Governor's being supposed to grant the Lands, saves the said Governor of *New-York* the trouble ; so that the Argument is brought to this single Point only at last, that upon Supposition the Governor of *New-Hampshire* exceeded his proper Limits in granting those Lands, yet neither King nor Subjects are injured, (provided the Claimants under *New-Hampshire* hold the Fee of the said Land as above) except the Governors of New-York, and if they be supposed to be honest Men, the Trouble of granting the Land would be equal to their Fees had they granted it ; so that they have not been injured a Whit more in this Case, than they may be supposed to have injured the Subjects by taking exorbitant Fees for granting the same Lands ; which to them is no Injury at all, but a providential Check to the Exercise of their Avarice. So that the respective Governors of *New-York*, in an equitable Sense, are no Loosers in
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this Affair ; or at most the Privileges would be so very inconsiderable as to make it meer trifling to mention it, especially when set in Competition with the shocking and universal Destruction that would overspread a large Country of his Majesty's good Subjects, provided they be dispossessed of the Lands aforesaid. This seems to be the genuine Sequel of the Argument, even upon the Yorker's own Stating it.

S E C T I O N, II.

IT is not conceded to on the Part of the Claimants under *New-Hampshire*, that the Governor did in Fact exceed his proper Limits in granting those Lands, the contrary will abundantly appear from the following Considerations, viz. Before and at the Time the said Governor of *New-Hampshire* granted those Lands they were reputed to be within his Jurisdiction, this was the Opinion of both Learned and Unlearned, the Wise as well as Simple, thus it was universally planed in all ancient and modern Maps down to the Year 1764, when, by royal Determination, the Jurisdiction of *New-York*, was extended over this disputed District of Land : But the general Opinion before this royal Adjudication was that the Province of *New-York* extended its Jurisdiction but Twenty Miles to the Eastward from *Hudson's* River, so general was this Opinion that the best Maps of the two respective Provinces, and the History of *New-Hampshire* adopted it as settled ; it is of very great weight in the Question to shew how univesal this Maxim was, and that the unprejudiced and accurate Geographer Mr. *Mitchel*, in his Map composed so late

late as the Year 1755, which with great Propriety and Certainty ascertains the same Limits, this Map has the more Authority as it was according to the Certificate of Mr. Pownal, Secretary to the Board of Trade, and was undertaken with the Approbation and at the Request of the Lords Commissioners for Trade and Plantation, and is chiefly composed from Draughts, Charts, and actual Surveys of different Parts of His Majesty's Colonies and Plantations in America, great Part of which have been since taken by their Lordships Orders and transmitted to the Office of the Governors of said Colonies: This Twenty Mile Line was so far from being deemed unfavourable to *New-York*, that we find the Commissioners from that Province so late as the Year 1767, made an Offer to those of the Massachusetts-Bay to let a Line at Twenty Miles distance East of *Hudson's River* be the Division between their respective Provinces; which the latter Commissioners would not then agree to it, being Thought by them too much in Favour of *New-York*, so little it seems did *New-York* Commissioners conceive their Claim as far as *Connecticut River* could be supported.

THOUGH it is true in the Year 1771 the Province of *New-York* by a publick Act of their General Assembly, did annex all that Part of the Province of the Massachusetts-Bay, to the Westward from *Connecticut River*, to their County of *Albany*; and it is likewise true that in the Year 1773 the Governor's of the respective Provinces met at *Hartford* in *Connecticut* and came to a mutual Agreement to settle that Line at Twenty Miles distance

tance Eastward from *Hudson's River*, which was the Hypothesis of that Settlement, which hath since been ratified by His Majesty.

THE Report of the Lords Commissioners for Plantation Affairs in 1753, States the following Facts, from which is necessarily inferred that *New-Hampshire* extended its Jurisdiction to the Westward of *Connecticut River*.---“ There are, says their Lordships, about 60,000 Acres of Land situate on the West side of *Connecticut River*, which was purchased by private Persons from *Connecticut*, to whom the Land had been laid out, by the Government of the *Massachusetts-Bay* as an equivalent for two or three Townships which the Latter purchased from the Former, this Tract of Land by the determination of the Boundary Line between the Provinces of *New-Hampshire* and the *Massachusetts-Bay* in 1739 is become a Part of *New-Hampshire*.”----- Thus we have their Lordships Sentiments that the Jurisdiction of *New-Hampshire* extended over Part of the very Lands in Contest, Westward of *Connecticut River*, as long ago as the Year 1739, at which Time *New-York* never dreamed of extending their Claim to *Connecticut River*.----- There is another glaring and indisputable evidence of the former Western extent of *New-Hampshire*, viz. Relative to Fort Dummer which was Built by the Bay Province in 1724, and garrisoned at their Expence a great Number of Years; but upon its being excluded from their Jurisdiction by the Settlement of the jurisdictional Line, between them and *New-Hampshire* in 1739, the Bay Province represented to the Government at Home, that the said District

District of Land and Fort *Dummer*, having been determined to be the Property of *New-Hampshire*, they were no longer obliged to Garrison and maintain it, and praying, That as it was necessary to the Defence of the Country, that *New-Hampshire* might be directed to support it. In Consequence of which, an Order passed the King and Council in 1744, that the Governor and Commander in Chief of *New-Hampshire*, should forthwith move the Assembly, in His Majesty's Name, to make a proper Provision for that Service; and at the same Time informing them that in Case they refused to comply with so reasonable and necessary a Proposal, his Majesty would find himself under a Necessity of restoring that Fort, with a proper District of Land contiguous thereto, to the Province of the *Massachusetts-Bay*, who cannot with Justice be required to maintain a Fort no longer within their Boundary. In consequence of this, *New-Hampshire* did maintain this Fort, and paid a Demand of Arrears for its Maintainance, to the *Massachusetts-Bay*. In the mean Time *New-York* was never a Competitor for the Burthen, willing as she is to enjoy the Advantage of granting and engrossing the said Lands.

THIS being the Case, the Government of *New-Hampshire* by the Royal Decree, was obliged to maintain Fort *Dummer*, and it being on the West Side of *Connetlicnt* River, and on this very identical District of Land now in Dispute, can that Government be justly charged with granting Lands in the Province of *New-York*, when but a little before his Majesty in Council had adjudged the same Lands to
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be in the said Government of *New-Hampshire* and ordered them to defend it, as by maintaining Fort Dummer, &c. Surely at that Time *New-Hampshire*, did extend its Jurisdiction Westward of *Connecticut* River; otherwise the King had ordered the Government of New-York to have maintained Fort Dummer. Nothing can be more flagrantly evident, than, that the Government of *New-Hampshire* had a Right to Grant Crown Lands where the Crown compelled them to Defend. From Hence it appears, that the Government of *New-Hampshire* had a legal Right to grant the Lands now in Dispute, and that, that Government and his Majesty's good Subjects, the Grantees of, and Settlers on the said Lands, acted upon honest and honourable Principles, in granting purchasing, and settling the same, and on the other Hand, it appears, that the Government of *New-York* in re-granting the same Land, acted quite the reverse; and the more unpardonably so, as they granted great Part of it, in open Defiance to His Majesty's Authority manifested unto them by his express Prohibition, dated the 24th Day of July 1767.

FROM what has been already elucidated it appears, that the Line of Jurisdiction between the respective Provinces was not exactly ascertained till the 20th of July 1764; but nevertheless that the Administration of Great-Britain had adjudged in 1739 and confirmed in 1755, that the Government of *New-Hampshire* extended Westward of *Connecticut* River, and that this was the general Sense of the Nation (till ascertained as aforesaid) is real Matter of Fact.---True no Determination of
His

His Majesty or Reports of the Lords of Trade had before particularized how far the Government of *New-Hampshire* should extend West of *Connecticut* River: but such Determinations of their's mightily strengthened the common Opinion, nay, fully confirmed it; that that Government extended Westward to a twenty Miles Distance, East from *Hudson's* River; intersecting a parrallel Line with the Colony of *Connecticut*; and the Province of the *Masachusetts's* Bay, between them and said Province of *New-York*. This was the Opinion both of King and Subjects at the Time the Government of *New-Hampshire* granted those Lands; and Americans could not conceive of any intermediate Boundary in one Place more than another, between *Connecticut* River and the twenty-mile Limit aforesaid; nor had they any Apprehension that the Government of *New-Hampshire* would extend to the Westward of that Limit. This parrallel Line took universal and deep Impression on the Minds of Geographers, and was the Understanding of the British Empire, and was thus portrayed in all former Maps.----The Certainty of this general Opinion may be further illustrated from the Consideration that none of the British Subjects applied to the Government of *New-York* for Grants of those Lands, till after the Alteration of Jurisdiction in 1764, except it be, as is pretended by the *New-York* Scriblers, that their Government extended Patents from within the said twenty mile Line across the same, and on some Part of the Premises in Dispute, many Years before the Government of *New-Hampshire* granted those Lands---which will

be hereafter considered: But, would further add, it is Matter of Dispute whether the Administration at Home would recognize those Patents granted by the Government of *New-York*, on the Premises aforesaid; though antecedent to those granted by *New-Hampshire*, inasmuch as the Royal Adjudication in 1764, could not antecedently empower the Government of *New-York* to grant them Lands, which by Royal Adjudication of the Line of Jurisdiction between *New-Hampshire* and *Massachusetts Bay*, fell within the Government of *New-Hampshire* in 1739, as aforesaid. However, for Argument only, we will suppose the Governments of *New-Hampshire* and *New-York* had each of them equal Authority to grant those Lands---then on this Stating the Case, prior granting would of Consequence be Priority of Title. The first Conveyance, upon this Hypothesis, being good and valid both in Law and Equity, must necessarily defeat any subsequent Grant from the Crown or its Representatives, being as authentic, to all Intents and Purposes, as any Conveyance of the Fee of Land from the Crown can possibly be.---Thus it appears upon this most favourable Concession to those on the Part of *New-York*, that the Argument preponderates in Favour of the Claimants under *New-Hampshire*, as their Grants are prior to those of *New-York*, (except in the Instances of the old Patents, yet to be considered.)

FURTHERMORE, it appears by the express Words of the *New-Hampshire* Grants, that the Grantees were not only intitled to the Fee of the Lands therein
therein

therein described, but also to all the Enfranchisements, and each and every of the Privileges and Immunities that by Law his Majesty's Subjects in the Province of *New Hampshire* enjoy; so that at the same Time that the Grantees were vested with the Fee of the Land, they were enfranchised with, and entitled to, all the Privileges and Immunities contained in their Charters; as the holding of Fairs, choosing Town Officers, and making and mending their own Roads, &c. It is therefore humbly conceived, that provided it should be the future Pleasure of his Majesty, to continue the said Lands in the Jurisdiction of *New-York*, (which by the Settlers aforesaid is hoped will not be the Case) that the Claimants and Settlers under the said Grants, will nevertheless have his Majesty's gracious Approbation to enjoy without Let or Molestation, the Privileges of Incorporation therein contained; the Grantees having ever considered those Privileges as inseparably connected with the Grant of the Fee-Simple.

S E C T I O N III.

FROM the Facts and Reasons that have been advanced in the foregoing Sections, it manifestly appears, that the Title of the Claimants under *New-Hampshire* to the Lands in Question is indefeasible; yet still there are fundry Considerations that may serve more abundantly to confirm and establish this Title beyond Hesitation. As,

FIRSTLY, The far greatest Part of the Extent
of

of Jurisdiction of the Province of *New-York*, and great Part of *New-Hampshire*, depended entirely on his Majesty's Pleasure, being wholly in the Arbitration of the Crown, to be either curtailed or extended. The real Grant on which the original Circumference of the Government of *New-Hampshire* was founded, extended but Sixty Miles from the Sea into the Country, to the Westward, terminating about Twenty Miles East of *Connecticut* River. This Government was afterwards enlarged by his Majesty's Commission to *Benning Wentworth*, Esq; Governor of that Province, directing it to extend to the Westward until it should meet with his Majesty's other Governments. Which Clause of Western Extention, in the said Commission, as well as the Royal Adjudication of the boundary Line between this Government and the *Massachusetts-Bay* in 1739, and Report of the Lords of Trade in 1755, and many Arguments mentioned in this and the foregoing Sections, all, on the Part of *New-Hampshire*, amount to sufficient Evidence, that their Government extended so far West as to intersect the parrallel Line of the Colony of *Connecticut* and Province of the *Massachusetts Bay*, as argued above. And with respect to the Province of *New-York*, it's original Northen Circumference terminated South of the City of Albany, and afterwards, as Plantations were extended Northerly, either on Patents procured immediately from the Crown, or Government, or meer Settlements on Extra-provincial Lands, Commissions from the King, to the respective Governors were enlarged, as in the Example following, viz. A. M. Esq;
 Captain

Captain General, Governor and Commander in Chief in and over the Province of *New-York*, (then follows the Enlargement,) and the Territories depending thereon in America.---These Territories are that Extension of Jurisdiction beyond their first circumscribed Limits, terminating South of *Albany*, called the Province. This territorial Extension of Jurisdiction is altogether in the Arbitration of the Crown to curtail or extend as before represented. This being the Case, the respective Governors can no other Way be Judges of the Extent of their Jurisdiction, but by Directions given them in their Commissions, together with his Majesty's express Proclamations, and public Determinations relative thereto, as in the Instance of the Royal Adjudication in 1764; a Publication of which, by his Majesty's Order, gave his Subjects to understand, that it was his Pleasure that the Territorial Jurisdiction of *New-York*, should extend to the West Banks of *Connecticut* River, which includes the disputed Premises within that Government; before this it was impossible for the Subjects to know it; if they could have understood it without his Majesty's Proclamation certifying the same, such Proclamation would have been needless and impertinent. The Truth of the Matter is, his Majesty in 1739, determined *New-Hampshire* Government should cover the present disputed Premises; he altered his Determination in 1764, whereby *New-York* extended it's Territories over the same Land. And the King has an undoubted Right to alter and regulate the Jurisdiction of Royal Governments as may seem to Him mete;
and

and for the *New-Yorkers* to pretend to amuse People of common Sense, pretending that it is the ancient and indisputable Right of the Colony of *New York* to extend to the West Banks of *Connecticut* River, as it's eastern Boundary, is the very Height of Folly: It was in the Nature of Things absolutely impossible his Majesty himself should have known that to have been the Case the Moment before he determined it, and equally inconsistent that the Subjects should know it before his Majesty proclaimed it.

FURTHERMORE, it appears by the Representation which was laid before his Majesty by Lieutenant Governor *Colden*, as an Inducement to prefix the West Banks of *Connecticut* River, the eastern Boundary of the Province of *New-York*---That they were Arguments of Conveniency, holding up to View that it would be greatly to the Advantage of the Inhabitants on the *New-Hampshire* Grants, to be under the Jurisdiction of *New-York*; which Arguments are incompatible with the Idea of antecedent Right of Jurisdiction. Likewise, from hence we may see the Inconsistency of that Government or it's Patentees, in founding their Right in Fee to All or any Part of the Lands in Contest, by Virtue of the said Royal Adjudication of the Boundary Line on the West Banks of *Connecticut* River; inasmuch as it cannot operate to their Advantage antecedent to the Date of that Adjudication, and afterward cannot be considered any Thing more than a mere Line of Jurisdiction between the respective Governments.

It

It should be furthermore considered, that neither Governments were vested with the Fee of those Lands; their Case in this Respect, is quite the Reverse to that of Proprietary Governments, who have a Right to appropriate the Soil. In Royal Governments, it is true, the Governors have a delegated Authority from his Majesty to grant Crown Lands; and in such Governments it is a Prerogative of the Crown to alter the Limits of Jurisdiction; His Majesty hath a Right to re-annex the disputed Premises to his Province of *New-Hampshire*, (in which it formerly was, and on the Faith of which the Claimants under that Government purchased and settled the same Lands) or incorporate it into a new Government, or continue it under the present Jurisdiction, as his Royal Wisdom may discern to be best for the governed: But, upon such Alterations of Jurisdiction, private Property is never changed or subverted. For, if the Property of the Subject be in the Arbitration of the Crown, and liable to the same Vicissitudes and Changes with Jurisdiction, this would destroy the very Nature of Property, and would render a King absolute, and despotic, which is perfectly inconsistent with the Constitution of the Kingdom. --- Therefore, to convey or alienate Property, is the sacred Prerogative of the rightful OWNER.---- Kings and Governors (in the Kingdom of *Great-Britain*) cannot intermeddle therewith. There is indeed as much Difference between the Change of Jurisdiction, and transferring of the Property of the Subject, as there is between Light and Darkness; although since the said Royal Adjudication in

1764, the *New-Yorkers* have endeavoured to blend them together to answer sinister and lucrative Purposes.----They were sensible, undoubtedly, that such the aforesaid Arguments were conclusive against their monopolizing the Fee-simple of said Lands; and as it is very common for People, who are upon a Design of engrossing the Property of their Neighbour, to set up some specious Pretence of Right, to vindicate themselves from the Imputation of Dishonor and Reproach; so in the present Case, the *New-Yorkers* endeavour to draw the Curtain of the Duke of York over their Knavery, and under the feigned Character of Heirs to that apostate Duke, claim the Lands aforesaid, and fancy themselves the Owners of Towns, (Fields) and Houses that they builded not.

REMARKS



Some REMARKS on a Pamphlet
intituled, “ A State of the Right of
the Colony of *New-York*,” &c.

HAVING finished the general Narrative of the Controversy subsisting between the Claimants, under *New-Hampshire* and *New-York*, to Lands to the Westward of Connecticut River; which were firstly granted by the Former, and which, by the Determination of the Boundary-Line, between the respective Provinces in 1764, fell within the Jurisdiction of the Latter. And, having given the Reader to understand the Oppressions which the Government of *New-York* have exercised towards the Grantees and Settlers under *New-Hampshire*, which could not have been so effectually done any other Way, as by transcribing the Letters from Governor Tryon to the Inhabitants of *Bennington*, and the adjacent Country, and their Answers to him, on the State of the aforesaid Controversy; which were published in the public News Papers, directly after they were wrote. And having also finished three Sections of Arguments, which demonstrate that the Fee of those Lands was conveyed from the Crown to the *New-Hampshire* Grantees, by Virtue of their respective Charters; the last Thing proposed, is to

N

make

make some Remarks on a Pamphlet intituled, “ A
 “ State of the Right of the Colony of *New-York*,
 “ &c. and on the Narrative of the Proceedings sub-
 “ sequent to the Royal Adjudication concerning
 “ the Lands to the Westward of *Connecticut* River;
 “ lately usurped by *New-Hampshire*.-----Intended
 “ as an Appendix to the General Assembly’s
 “ State of the Right of the Colony of *New-York*,
 “ (with Respect to its eastern Boundary on *Connec-*
 “ *ticut* River, so far as concerns their late En-
 “ croachments under the Government of *New-*
 “ *Hampshire*,) published at their Session, 1773.”

S E C T I O N, IV.

ALTHOUGH the Arguments contained in the foregoing Sections are full and conclusive, relative to the Nullity and Nothingness of the Duke of York’s Grant, at least, such Part thereof as concerns the present Dispute; and that neither the Government of *New-York* or its Patentees gain any Manner of Title to the Land in Contest, by predicated it on the Validity of that Grant, yet the General Assembly of the said Province in their State of the Rights, &c. venture the Strefs of their whole Cause thereon, and deduce all their Arguments of Title to those disputed Premises therefrom: It is therefore partly out of Compliment to so learned a Body of Doctors, as well as more fully to invalidate, and apparently demonstrate, to every capable Judge, the utter Insufficiency and Defect of Title to those Lands, by Convey-
 ance

ance from the Government of *New-York*, that the Grant of the Duke of *York* is here brought under Consideration: And in Order thereto, it is Necessary that the second Grant be hereinferted, which is transcribed from the *New-York* Pamphlet Verbatim.

“ EXTRACT of King CHARLES
 “ the Second’s Grant of the Pro-
 “ vince of *New-York*, to his Bro-
 “ ther JAMES, Duke of *York*.

“ CHARLES the Second, by the Grace of
 “ God, King of England, Scotland, France
 “ and Ireland, Defender of the Faith, &c. To
 “ all to whom these Presents shall come, Greeting:
 “ Know Ye, that We, for divers Good Causes
 “ and Considerations, have, of our especial Grace,
 “ certain Knowledge and mere Motion, given and
 “ granted, and by these Presents, for us, our
 “ Heirs and Successors, do give and grant unto our
 “ dearest Brother, James, Duke of *York*, his
 “ Heirs and Assigns, all that Part of the Main
 “ Land of *New-England*, beginning at a certain
 “ Place, called or known by the Name of *St. Croix*,
 “ next adjoining to *New Scotland*, in *America*; and
 “ from thence extending along the Sea Coast, unto
 “ a certain Place called *Petuaguine* or *Pemaquid*,
 “ and so up the River thereof to the furtherest Head
 “ of the same, as it tendeth Northwards; and ex-
 “ tending from the River of *Kinebeque*, and so
 “ upwards, by the shortest Course of the River
 “ Canada

“ Canada Northwards: And all that Island or
 “ Islands, commonly called by the several Name
 “ or Names of Matowacks or *Long-Island*, situ-
 “ ate, and being towards the West of *Cape Cod*;
 “ and the *Narrow Highgansetts*, abutting upon
 “ the Main Land; between the two Rivers there,
 “ called or known by the several Names of *Con-*
 “ *necticut* and *Hudson's River*, together also with
 “ the said River called *Hudson's*, and all the Lands
 “ from the West Side of *Connecticut* River, to the
 “ East Side of *Delaware* Bay: and also, all those
 “ several Islands, called or known by the Names
 “ of *Martin's Vineyard*, and *Nantuckes*, otherways
 “ *Nantucket*; together with all, &c. Dated the
 “ Twenty Ninth Day of June, in the Twenty Sixth
 “ Year of the Reign of King *Charles* the Second.”

It appears from the Sequel of the Representa-
 tions, Narratives and Arguments contained in
 the *New-York* Pamphlet, that the Government of
New-York do not pretend to any Conveyance of
 the Fee of the Lands in Contest from the Duke
 of *York*. But their Grand Hypothesis is, that
 the Jurisdiction of their Government from the first
 Establishment, was predicated on, and bound-
 ed by the descriptive Limits of the said Grant;
 and consequently, that the disputed Premises was
 never in the Government of *New-Hampshire*;
 and, that that Government never was vested with
 Authority to grant those Lands, and also conse-
 quently, that the Grants by them made, are in
 their own Nature void. This is the Sum of the
 New-

New-York Arguments relative to their Title to those Lands. Here,

FIRST, it is necessary the descriptive Limits of the above rehearsed Charter be brought under Consideration; which includes the Countries of *St. Croix*, adjoining *New Scotland*, *Pemaquid*, the River *Kenebeque*, and the Islands known by the Names of *Martin's Vineyard*, *Nantucket*, &c. All these Countries lying far East of *Connecticut* River, and within the actual Jurisdiction of the Provinces of the *Massachusetts Bay*, *New-Hampshire*, &c. and at present, not contended for on the Part of *New-York*. Their General Assembly, in the "State of the "Right" &c. had done well to have informed the Publick; whether their "ancient and indisputable Right" of Jurisdiction extended to every Part of the descriptive Limits of the Grants aforesaid, and if not, to which Part it was circumscribed; and when done, and by what Authority; whether their Governors Commissions, at any Time, particularized and determined to what Part of the Limits of the said Duke's Grant their Jurisdiction should extend, more than another, or to the whole; or, whether any Royal Edict or Proclamation, had ever thus given them such predicated Limits of Jurisdiction: this is absolutely necessary for them to do, in Support of their Title to the Lands in Question. And furthermore, it is requisite for them to demonstrate that those Lands were actually contained in such their former Limits of Jurisdiction: but, if the Government of *New-York* from Royal Determination, cannot extend Jurisdiction to any one

one Part of the descriptive Limits of the Grant aforesaid, more than to another; then, on this Hypothesis, their Jurisdiction includes the whole Limits contained in the Grant, or none at all; that it includes the Whole, will not be pretended, and that any Part, as predicated on them Limits, cannot be made to appear: But on the contrary, it appears His Majesty and Council had no Reference to any Part of the Limits of this Grant, in determining the Boundaries of the Jurisdiction of *New-York* in 1764, as may appear from the Royal Order itself, an Extract of which is as follows: “ His Majesty with the Advice of his Privy Council, doth
 “ Order and Declare, That the West Banks of the
 “ River *Connecticut*, from where it enters the Province of the *Massachusetts Bay*, as far North, as
 “ the Forty-fifth Degree of Northern Latitude, to
 “ be the Boundary between the said two Provinces”-----that Parrallel of Latitude is also established it’s North Boundary, &c. The Source of *Connecticut* River is supposed to be something to the Northward of Latitude Forty-Five, and comes much from the North-East, a considerable Distance after it passes that Latitude; but it is notorious, that the Source of *Hudson’s* River is far South of it; so that by comparing the descriptive Limits of the Duke of York’s Grant, with those expressed in the Royal Order, they will be found to be materially different. The Limit of that Part of the Duke’s Grant, which respects the present Arguments, is in the Words following: “ Together also
 “ with the said River called *Hudson’s* River, and all
 “ the Lands from the West Side of *Connecticut* River
 to

“ to the East Side of *Delaware Bay* ;” which Limit, in any possible Construction of it, can include but Part of the disputed Premises, (which said Premises extend and are bounded on the Forty-fifth Degree of North Latitude,) as will more fully appear in a further Discussion of that Line. But,

FIRST, it is manifest that the King and Privy Council, in determining the Extent of the Jurisdiction of the Province of *New-York*, did not proceed upon the Idea of that Government’s having any antecedent Right of Jurisdiction to those Lands. Had that been the Case, the Royal Order had been predicated on the Boundary Lines of the Duke’s Grant aforesaid, and could not have comprehended any more Land than “ from the West Side of *Connecticut* River to the “ East Side of *Delaware Bay* ;” and these Bounds are so loose, vague, and indeterminate, that it is altogether impossible to found a Line of Jurisdiction thereon, as will more abundantly appear by the following Observations on the discriptive Limits thereof, which may be seen at Large in the fore Part of this Section. Therefore, such Part only, as is necessary for the Consideration of the indeterminate Bounds, before spoken of, is here quoted ; which, after describing the Situation of *Long-Island*, and that it abuts upon the Main Land “ between the two Rivers there called or known “ by the several Names of *Connecticut* and *Hudson’s* “ River,” begins the Description under Consideration, “ together with the said River called *Hudson’s* River.” Observe, that as the Description
of

of this River is not immediately connected with any foregoing or following Discriptions in said Grant; nothing more can possibly be included in it, but a Discription of the River only, exclusive of one Foot of Land on either Side. The second Discription “and all the Land from the West Side “ of *Connecticut* River to the East Side of *Delaware* “ Bay.” The best Mathematician on Earth cannot ascertain these Limits, except upon arbitrary Principles, as there can be no prefixed Place on *Connecticut* River where to erect the first Bounds; and as to any particular Place on the “ East Side “ of *Delaware* Bay,” where to erect a Second, is altogether undetermined in this Discription: But, inasmuch as it includes all the Land from the West Side of *Connecticut* River, &c. there is a little better Foundation to establish the first Bounds than the Second. It seems in order to include All as aforesaid, it would be necessary to extend either to the Head of the River, or to the most Northerly Extention of the whole Stream, to make the first Bounds; and provided this imaginary Bounds should extend North of the Forty-fifth Degree of Northern Latitude, it would so far exceed the Settlement of the Line in 1764. Be this as it will, the most Northerly Part of the River, which would most likely be the Head, would be the most favourable on the Part of New-York, for to establish a first Bounds, and from thence to extend a strait Line to some Place on the East Side of *Delaware* Bay; this is something of a natural Construction, on the indeterminate descriptive Limits, aforesaid, without exploring *Connecticut* River, which in this

Case

Case is necessary. And, First, in tracing said River to its Source, it is found towards it's Extremity, to come much out of the North-East. This being the Case, a strait Line from it's Head to *Delaware Bay*, would cross said River and include a large Tract of Land on the East Side, and perhaps cross the River sundry Times; the Consequences may be drawn thus, that where the Line may be supposed to cross the last Time, ought to be the first real North Boundary, of the "ancient and indisputable" Limit of Jurisdiction of *New-York*. For, if the Bounds at the Head of the River before spoken of, be so established, it would include considerable Land on the East Side of the River, within the old Boundary of *New-York*, which is contrary to any Idea to be gained from the descriptive Limit aforesaid, viz. "and all the Land from the West Side of Connecticut River, &c." Still it may be queried whether there may not be another proposed first Boundary better purporting with the Description of "And all the Land from the West Side of Connecticut River to the East Side of *Delaware Bay*," between the Head of the River, and the Place where the imaginary Line was supposed to pass? To this it may be answered, that a Place between these two, so far up the River as in tracing a strait Line from thence, to *Delaware Bay*, would not cross the River, may better agree with the above Description: Still, from none of these imagined Lines, from the different imagined Bounds, or from any other projected, possible, first Bounds, can such a strait Line be ascertained, till the Place for the South-Western Boundary on the

“ East Side of *Delaware Bay*” be established ? And the Vagueness of the discriptive Limit is so great, that it cannot be determined whether that Bounds shall be at the Northern Extremity of the East Side of *Delaware Bay*, or at the Southern, where it communicates with the main Ocean, or at any other intermediate Place between these two : so, that from the uncertainty of the second Bounds, it is impossible to establish the first, so as exactly to include “ all the Land from the West Side of the said River to the East Side of said Bay,” and no more. And,

Thus it is demonstrated from the Vagueness, Uncertainty and Obsoleteness of the discriptive Limits of the Grant to the Duke of York, before quoted at large ; that it is in the Nature of Things absolutely impossible to ascertain it. From hence follows a Second necessary inference, viz. That it is equally impossible and contradictory, that governmental Jurisdiction should be predicated thereon ; for an ideal uncertain Jurisdiction, in its own Nature incapable to be determined, is in reality none at all. And from hence follows a Third Inference which determines the Sequel of the Argument, on the Subject of Property, concerning the Lands in Question, to be in Favour of the Claimants under *New-Hampshire* : For, it is in the last Place, equally contradictory and impossible, as in the Case of the Absurdity of ascertaining the Limits of the pretended “ ancient” Jurisdiction of *New-York*, predicated it on vague and undeterminate Boundaries, that, that Government should predi-
cate

cate their Right to the Fee of Lands, by them thus unascertainable ; for as Uncertainty, and natural Impossibility of a Jurisdiction's being rendered determinate makes it in Reality to be none at all ; so the Idea of Property, predicated thereon is equally impertinent.---True it is, by the royal Determination in 1764, the East Line of *New-York* extended to the West Banks of *Connecticut* River. Which may be Foundation for Conjecture, that, that Limit might have Reference to a Discription in the Duke's Grant aforesaid, " and all the Lands from the West Side of *Connecticut* River," &c. Yet when the Representation made by Lieut. Governor Colden, to his Majesty in Council, as mentioned in this Pamphlet, under the Head of the Narrative, &c. comes to be considered it will reflect Light on this Point. The Arguments made Use of in the said Representation were those of Conveniency and Advantage to the Settlers on those Lands to be in the Government of New-York : And, that the West Banks of *Connecticut* River was a good and certain Boundary," &c. These were undoubtedly the preponderating Motives of determining the West Banks of *Connecticut* River to be the East Boundary of New-York, and such Arguments are utterly inconsistent with the Notion of an " Ancient indisputable Right" of Jurisdiction.

THERE is still another Consideration which may be of Moment in the Observation of this, so Trumpt-up, " ANCIENT RIGHT OF JURISDICTION" of the Province of New-York, to the Lands in Contest : If it be admitted a Line should be drawn from the most northerly Part of *Connecticut* River

to

to the most northern Extremity of Delaware-Bay ; still, it is by no means probable such Line would include more than one half (if so much) of the Lands in Dispute so far as may be judged from the Latitude and Longitude of the respective Objects : For considering the Course of Connecticut River, which is nearly from North to South, except towards its Extremity ; and the Sea coast, from the River's Mouth, together with Delaware Bay, forming also an indented Line, to the South of West ; the Land included in these Limits, by a Line drawn from Connecticut River to Delaware Bay as aforesaid, would (excepting the small Promontory formed by the Mouth of the Bay and the Ocean) lye in the Figure of an obtuse angled Triangle ; and the Course of the said Line from the River to the Bay, according to ocular Survey, would be from the Northeast a Southwesterly Direction : Which very badly comports with the present North and Westerly Exercise of Jurisdiction of the Government of New-York, at Crown-point, Detroit, &c.---It may here well be observed, the Settlers under New-Hampshire seem to be in a critical Situation ; every arbitrary Measure under the present Administration of the Government of New-York, is exercised against them ; and provided they flee to the Eastward to procure Inheritances, there they are fore-closed, the discriptive Limits of the said ancient Jurisdiction covers them (to wit) the Countries of St. Croix, Pemaquid, Kenebeque, Nantucket, Martin's Vineyard, &c. ---Yet there is another large unknown Country to the West and Northwest, which has been but partly

ly explored; and provided, these People, instead of fleeing to the Eastward, should turn their Course, to those Countries; there, it is indisputable but that, New-York would encircle them with another odd Description of Domain contained in their Governor's Commissions, i. e. "A. B. Captain
 " General Governor and Commander in Chief in
 " and over the Province of New-York," next follows the Description hinted "and the Territories
 " depending thereon, in America."

FROM the foregoing Descriptions of the Government of New-York, it appears they lay Claim to so extensive a Domain three different Ways, or have three different Modes or Modifications in comprehending and engrossing their progressive Limits.

As,

1stly. THE Province of New-York, which falls short of, and terminates considerably South of the City of Albany.

2dly. "THE Territories depending thereon in America." These Territories comprehending such Plantations, on extra-provincial Land, as are and have been carried on adjoining to the Province till its Territories, are at present extended to Detroit and the Neighbourhood thereof, &c.

3dly. The Limits of the Duke of York's Grant, and inasmuch as the Grantees and Settlers on the Lands in Dispute, hold their Title under New-Hampshire, and that Government had for several Years exercised their Jurisdiction over those Lands,
 even

even till 1764.---Therefore, in this Case the Government of New-York could not extend their Territorial Sort of Jurisdiction over the Premises; for such Sort of Jurisdiction might be challenged on the Part of New-Hampshire (if it should be admitted at that Time, said Premises was extra-provincial Lands) and that with far the most Propriety. Inasmuch as that Government had granted the Land and began Settlements thereon. Add to this the following Clause in Governor Wentworth's Commission, which they viewed to be of great Weight in this Case, which, after describing the former Limits of New-Hampshire, "and from
 "thence extending West till it meets with his
 "Majesty's other Governments." Add to this also, the Reasons held forth in the Chain of Arguments, contained in the three first Sections; all which were too potent for the New-York territorial Sort of Dominion to frustrate. At that Juncture, Therefore, the Lawyers, Land-jobbers, Politicians, &c. planed out the aforesaid third Modes of Jurisdiction predicated on the descriptive Limits of the Grant to the Duke of York. And on this new modled Plan breathed an air of "ANCIENT AND
 "INDISPUTABLE RIGHT of" Jurisdiction, and consequently to the Fee of the Lands in Contest.

THE first Intimation that ever saluted the Ears of the Publick, asserting it to be the ancient Right of the Colony of New-York, to extend to Connecticut River as its eastern Boundary, was discovered from a Proclamation, given under the Hand of William Tryon, Esq; Governor of the
 Province

Province of New-York, &c. and dated the 11th Day of December, 1771. His Proclamation begins after the following Manner. “Whereas it is
 “the ancient and incontestible Right of this Co-
 “lony to extend to Connecticut River, as its
 “Eastern Boundary.”

THIS was drawing a positive Conclusion from fictitious, and till that Time, unheard of Premises: and rather influenced People, in the several Governments, to purchase and settle under New-Hampshire, than diswade them therefrom, for common Fame, and common Sense were a Barrier against the Belief of this New-York Doctrine, which from the Time of the royal Adjudication in 1764, was by the Proclamation aforesaid, antedated to “Ancient.” That this Doctrine till then, was incontestable, is thought to be true; for it had but peeped to public Consideration, and has ever since been contested.

SHOULD this, their new Hypothesis be admitted; yet, as hath been before observed, these Limits could include but Part of said Lands, according to the best Judgment that can be formed without an actual, and accurate Survey of the descriptive Limits of said Grant; which if the New-Yorkers can do and fairly Demonstrate, to any able Mathematicians, and competent and impartial Judges, that they have rightly ascertained those Limits, it is engaged on the Part of the Claimants under New-Hampshire that they shall yield up, to the Land-jobbers of New-York, their Lands and Labours:

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an Object which undoubtedly would be grateful and pleasing to them ; and which they have many Years been in Pursuit of, and have hitherto had the Mortification to be baffled. It is verily Incumbant on the Government of New-York, in order to found Tittle to those Land on this new Scheme,

FIRSTLY, to ascertain the Limits of their imaginary Bounds : This, the Claimants under New-Hampshire, will expect compleated, or hear no more of those “ ANCIENT AND INCONTESTIBLE ” Boundaries of New-York.

S E C T I O N, V.

THE General Assembly of the Colony of New-York, in their State of the Right of that Colony, &c. Page 3d. wave the Right of the English by first Discovery, as being foreign to their Purpose, & that the Dutch Possessions are only material to be supported ; and Claim no further Right by Pay of the Dutch, but priority of Possession. Yet in the same Page inform, “ when the first War between England and Holland became inevitable, “ King Charles the Second, by Letters Patent “ dated the 12th Day of March 1663-4, granted “ to his Brother the Duke of York the Tracts of “ Country, which comprehend *New-York*. To render this Gift effectual, before the War was “ proclaimed, a Fleet and Land Forces were sent “ out to remove the Dutch and put the Duke in “ Possession.”---The Circumstances that attended the making this Grant, and sending the Armament

to render it effectual, are a sufficient Reason to Determine that the Government at Home, at that Time, viewed the Dutch Settlement as an Intrusion, and Possession (which is all they rely on) gained by trespass, in legal Construction, is no Possession at all. That the English had prior Right to all the Countries from Forty to Forty-eight Degrees of North Latitude, by Virtue not only of Discovery by *Sebastian Cabot* and others, but by being in actual Possession of several Parts of the Premises, is Matters too well known to be disputed.

WHETHER there was real Seisin in the Crown, or not, at the Time of granting these Countries, is not truly in Question; since every Grant so made is incontestibly valid against the King, his Heirs and Successors; and the Colony of New-York being entirely Dependant on the Crown of Great-Britain for their Title; Priority of Charter is therefore necessary to be determined.

THE Grant of King James the First to the Council of Plymouth bearing Date at Westminster, the 13th Day of November, in the Eighteenth Year of his Reign: comprehends all the Lands, Islands, &c. from forty to forty-eight Degrees of North Latitude, through the Main Land from Sea to Sea. On the 19th Day of March 1628, the Council of *Plymouth* under their common Seal, did grant to Sir *Henry Roswell*, Sir *John Young*, and Others, their Heirs and Associates for ever, all that Part of *America*, lying between the Great River
P there,

there, commonly called *Monomack*, alias *Merimack*, and *Charles River*, within the Space of three Miles to the Northward of the same River, called *Monomack*, alias *Merimack*, or to the Northward of any or every Part thereof, and in Length and Longitude of and within all the Breadth aforesaid, thro'out the Main Lands there, from the Atlantic or Western Sea or Ocean on the East Part, to the South Sea on the West Part.

THIS Deed of Sale at the Suit of the Grantees, with a Charter of Incorporation, was granted and confirmed by King CHARLES the First, the 4th Day of March 1629, wherein the Limits are exactly the same with those in the *Plymouth Conveyance*; and the Proviso of CHARLES, that the actual Settlement of the Subjects of other Christian States to determine the Extent, the same as was the Proviso in JAMES's Grant to the *Plymouth Company*.

THIS same Charter of Incorporation was adjudged void in the High Court of Chancery of *England* in 1684; from which the Assembly of *New-York* in their State, &c. Page 5th, take Occasion to say "the Title of that Colony now solely depends on their new Charter of 1691." Nevertheless, the Right of Soil to All and every Part of the Deed of Sale aforesaid, remained indefeasible; for, only animadvert back to the *Plymouth Conveyance*, and observe, that the Right in Fee, was by them conveyed to the Grantees; and trace it to King CHARLES's Charter of Incorporation, which only vested the Grantees with Powers of Government.

Though

Though it is true, this Charter contains all the Formality necessary in the Conveyance of the Fee; yet is, so far as respects the Fee, is no more than a Duplicate of what was before granted, which neither adds nor deminisheth; and it is easy to see, that the Court of Chancery could not vacate or make Void, at most, any Thing more than those incorporate Privileges; and likewise as easily discernable that nothing more was attempted. Thus the Colony of the *Massachusetts* still hold their Right in Fee, by Conveyance from King JAMES to the Council of *Plymouth*, who were their Grantors.

IN the next Place it may be observed, that in 1691 the Privileges of Incorporation were restored; though our Authors, in their State, &c. endeavour to curtail the Colony of the *Massachusetts*, by construing their last Charter to extend no further West than the East Limit of the Colony of *Connecticut*. Their Words are these, “ These Words (*as far as*) being in the Case of the Grant of the Crown on the Suit of the Party, in legal Construction, carry the *Massachusetts Bay* Colony no farther Westward than till it meets the Colony of *Connecticut*, and not to *Connecticut* River, and much less to the Westward of it.” Be these bold Assertions as they will, and provided it be here admitted, for Argument sake, that the Powers of Jurisdiction of the Province of the *Massachusetts Bay* be ever so much curtailed, yet one Proposition we can verily be assured of, viz. That it is not in the Power of King or Chancery to curtail or deprive them of their Property.

It

It is to be further observed, that however our Authors may Criticise upon the gramatical or legal Construction of selected Words or Phrases; yet, a little Attention to the following real Facts, will clearly point out the Inconsistency of such Sophisms.

FIRSTLY, *Connecticut* Charter, granted by King CHARLES the Second, the 23d Day of April 1662, was bounded and extended in Length, by and with the *Massachusetts* first Charter, granted by King CHARLES the First, the 4th Day of March 1629, which incontestibly extended agreeable with the aforesaid discriptive Limits of the Deed of Sale from the Council of *Plymouth*, to Sir Henry Roswell, Sir John Young, &c. and extended through the Main Land in Longitude to the South Sea on the West Part.

THIS Charter, as above, being nullified in the High Court of Chancery of England in 1684, and restored again in 1691, wherein the West Extent of Limit is predicated by that of *Connecticut*, and this West Limit of *Connecticut* being predicated by the old Charter of the *Massachusetts Bay*, and expressly extending in Longitude to the South Sea on the West Part, exactly extends the present Charter of the *Massachusetts Bay*, with it's Powers of Jurisdiction to All, and every Part of the Limits of the old nulled Charter. This is the natural and legal Sense of the present Charter of the Colony of the *Massachusetts Bay*, predicated on undeniable Facts,

In the next Place 'tis necessary to consider the
 Charter of *Connecticut*, which our Authors inform
 should not extend West of *Connecticut* River, in the
 Words following : “ This being a Crown Grant
 “ on the Suit and Petition of the Grantees, is to
 “ be taken most beneficially for the King. The
 “ discriptive Words, and the Intention of the
 “ Grant, will in legal Construction be satisfied by
 “ giving the Colony the same Length as the *Mass-*
 “ *sachusetts Bay*; and it is plain, both from the Re-
 “ cital and the saving Clause in the *Plymouth* Pa-
 “ tent, on which the *Massachusetts*'s Title was found-
 “ ed, that the Latter cou'd not in any Sense, ex-
 “ tend to the Westward of *Connecticut* River.” As
 this their Assertion is founded on the Hypothesis
 of *Connecticut* Charter's being predicated on that
 of the *Massachusetts*'s, and therefore the Arguments
 before exhibited on that Head, are equally Con-
 clusive for the establishing the Western Extent of
Connecticut, nothing more is necessary for that Pur-
 pose, but a Recital of the discriptive Words of their
 Charter, granted subsequent to their Purchase from
 the Council of *Plymouth* by King CHARLES the
 Second, the 23d Day of April, 1662, “ Bounded
 “ on the East by *Narraganset* River, commonly
 “ called *Narraganset* Bay, where the said River
 “ falleth into the Sea; and on the North by the
 “ Line of the *Massachusetts* Plantation; and on the
 “ South by the Sea, and in Longitude as
 “ the Line of the *Massachusetts* Colony, running
 “ from East to West : That is to say, from the
 “ said *Narraganset* Bay on the East, to the South
 “ Sea on the West Part.” Thus it appears not
 only

only by the Demonstrations aforesaid, but from the express Words of the discriptive Limits of the Charter itself, which cannot admit of a double Meaning, (curious as our Authors be in the Art of playing with Words, they have not attempted to obviate their literal Meaning,) that it is the unquestionable Right of the Colony of *Connecticut* to extend it's Western Boundary to the South Sea on the "West Part;" and in this that Colony agree, who are now challenging their Right in Fee to those Limits, and actually making Plantation, as at *Susquebannah*, &c.

By this Time, undoubtedly Queries will arise in the Mind of the Reader, What will become of the Grant to the Duke of York, if the Massachusetts and Connecticut Colonies extend "to the South Sea on the West Part?" The following Intelligence from our Authors will introduce an Answer to this Query; who, after describing said Grant further inform, in Page 3d of the State, &c. That "a Fleet and Land Forces were sent to remove the Dutch, and put the Duke in Possession." Accordingly, on the 27th Day of August 1664, the Dutch Governor *Stuyvesant*, surrendered by Capitulation, all the Countries the Dutch then possessed, to King CHARLES the Second; when among other Terms it was stipulated, "that all the People shall remain free Denizens, and shall enjoy their Lands, Houses, and Goods, wheresoever they are within this Country, and dispose of them as they please." Thus, by Conquest, the King became revested with his Right to the Lands conquered:

ed : for, as the King had antecedently disposed of all the Estate the Crown was possessed of in these Countries, to the Colonies of *Connecticut* and the *Massachusetts Bay*; therefore, his Right now could not extend any further than the actual Conquest, which, in legal Construction, must be satisfied with, and can extend no further than the actual Possessions described in the forementioned Capitulation. A further Information is in Page 4th, “To remove any Doubt of the Validity of the Dukes Title, either from the Want of Seisin in the Crown when it originated, or on Account of the intermediate Conquest by the Dutch, it was confirmed to his Royal Highness by further Letters Patent, dated the 29th Day of June, 1674.” That there was Want of Seisin in the Crown at the Time of first Granting, is incontestible; for, as above said, the King by antecedent Grants had divested the Crown of it’s Right, and by this Conquest became re-vested : So that from this, Occasion will be taken to say, that in Fact the Province of *New-York* was originally founded on Conquest, and the Limits of it, as before mentioned, circumscribed by the Dutch Possessions pointed out in the Terms of Capitulation. However unfavourable this Conclusion may be thought, on the Part of *New-York*, yet, as the Crown had prior to either of the Duke’s Grants, disposed of its Right to the *Massachusetts* and *Connecticut* Colonies---if it was not thus founded on Conquest, it hath no Foundation at all; and it’s having any Place for Existence, is but an “Intrusion on the Rights” of those other Colonies. Furthermore, it is Mysterious and Contradictory

tradiçtory, admitting that that Government was thus founded, to suppose the Duke could be Lord Proprietor; inasmuch as by the Conditions of Capitulation, the Fee then acquired to the Crown, passed to the Dutch Inhabitants, who then became English Subjects.

THE Reader is in the next Place invited to a more particular Consideration of the aforesaid disputed Premises, which are bounded South on the North Line of the *Massachusetts Bay*, and West by a Line about twenty Miles East of *Hudson's River*, extending North ten Degrees, East till it comes almost opposite to *Ticondaroga*; thence West till it strikes on *Lake Champlain*, thence on the East Banks of said Lake to the Forty fifth Degree of Northern Latitude, and on the North by the said Latitude, and East on the West Banks of *Connecticut River*. On this Tract of Country 'tis not pretended there ever was any ancient Dutch Possessions, nor any under Title from *New-York*, except on the West Part of the Township of *Pownal*, situate at the South-West Corner of this Tract; and some Possessions in the Township of *New-Haven*, on *Otter Creek*, which Colonel *Reed* gained and maintained by Force, about three Years, and which by Force he was obliged to surrender to the first Settlers, who were Claimants under *New-Hampshire*.

THOUGH this Tract of Land was contained in the original Grant to the Council of *Plymouth*, yet, as they never made any Conveyance of it, therefore it reverted to the Crown on the Surrender of that Grant,

Grant, the 7th Day of June, 1635. From which it may be objected, on the Part of *New-York*, that the above Conciseness in the Circumscription of the Boundaries of their Colony is too great; for, that the Grant to the Duke must hold good where the Crown, at the Time of granting, was vested with a Right to the Lands granted. In Answer, it has been argued in the preceeding Section, that it is very uncertain whether the Limits of the Duke of *York's* Grant included this Tract of Land, or if any, how great a Part; and that the Limits of said Grant cou'd not be ascertained---and that governmental Jurisdiction, and Property cou'd not be predicated on such obsolete and uncertain Bounds. It was also demonstrated in the first Section, and will be further observed in this, that the Duke of *York's* Grant reverted to the Crown, and that the Landholders in the Government of *New-York* hold under the Crown---and that, if it did not revert to the Crown, the Fee is still in the Duke, his Heirs or Assigns, and no Landholders in the Government are vested with the Fee of the Lands they possess, &c*. It would be too tedious as well as needless to recite the Arguments that have been offered in the three first Sections, which is humbly conceived are abundantly sufficient to Answer the aforesaid Objection, and fairly demonstrate Priority of Title to be in Favour of *New-Hampshire*; to which the curious Reader is referred for a Consideration.

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* This Argument and Conclusion is founded on the *New-York* Hypothesis, exclusive of the herein mention'd Article in the Dutch Capitulation.

As has been before observed, the Design of the Duke of *York's* Grant was to include the Dutch Possessions, or in other Words, that it never was valid any further than to such Possession, which by Conquest, reverted to the Crown, and no farther than these Limits, to interfere with the Charter Colonies of the *Massachusetts* and *Connecticut*. And as a Twenty Miles Line to the Eastward from *Hudson's* River would include the most Eastern Extent of the forementioned Possessions, the Reason why such a Line was agreed to as the Boundary between the Colonies of *Connecticut* and *New-York*: But, as these Possessions to the Northward of *Connecticut*, fell far short of this Twenty Mile Line, or were so inconsiderable and uncertain as not to come within the Capitulation Reserve, therefore, the *Massachusetts* Colony contended with *New-York* for a further Western Extent than Twenty Miles East from *Hudson's* River; but the restless Government of *New-York*, ever uneasy within it's own Boundaries, presumed unrelenting, to intrude on, and contesting for the just Rights of the *Massachusetts*, by extending their Patents far to the Eastward of Twenty Miles from *Hudson's* River; in Consequence of which the greatest Disturbances have arisen between the Inhabitants of the respective Colonies, and sundry of the Conflicts so severe, that human Blood spilt in the Contests redened the Hands of the Intruders; but finally a boundary Line was agreed to by the respective Governments in 1773, at a Twenty Miles Distance from *Hudson's* River, which has since been ratified by his Majesty.

IN the State of the Right, &c. Page 4th, is the most extraordinary Account of Alienation of Property that is to be found in the Annals of History. “ The Duke continued Proprietor and chief Governor of this Province till he ascended the Throne, when his Right merged in the Royal Authority, on his Abdication it passed to King *William*, his Successor, as Lord Proprietor and Royal Sovereign.” That upon the Duke’s accession to the Throne his Right of Government merged in the Royal Authority will not be denied; But, that his Right in Fee, consequently passed to King *William* as his Successor, wants greater Proof than a bare Assertion; our Authors should have explained this Matter; ’tis taken for granted they will not pretend that King *William* was Heir at Law to the Duke’s Estate, and they mention no Conveyance from the Duke to the King, but say the “ Duke’s Right merged in the Royal Authority;” to suppose it is possible that Right should pass to King *William*, as Lord Proprietor, is so great an Absurdity that it wants a Name.

IN the same Page they further inform, That “ in the Duke of *York*’s Commissions to his several Lieutenant Governors, Major *Edmond Andross* on the first Day of July 1674, and Col. *Thomas Dongan* on the 30th Day of September 1682, among other Discriptions of the Boundaries of this Province, are expressly comprehended all the Land from the West Side of *Conneticut* River to the East Side of *Delaware* Bay.” Note, those Commissions were from the Duke before he ascended

ed the Throne; undoubtedly in his Commissions to his Lieutenant Governors, he had Reference to the Limits of his Grant, to determine their Boundaries: But after his Abdication, and the Accession of King *William* and Queen *Mary*, we find a Commission from their Majesty's to *Henry Slaughter*, to be materially different. " King *Wil-*
 " *liam* and Queen *Mary*, by their Commission,
 " dated the Fourth Day of January, in the First
 " Year of their Reign, appointed *Henry Slaughter*
 " to be Governor of the Province of *New-York*,
 " and the Territories depending thereon in *America*." The same Assembly (stiled our Authors) further inform, that " in all subsequent Acts and Com-
 " missions this Colony is described by the same
 " Words, the Province of *New-York*, and the
 " Territories depending thereon in *America*." " No Arguments need be used to prove,
 for it is self evident their Majesty's had some different Idea of the Province of *New-York*, than what had been before described by the Duke's Commissions to his Lieutenant Governors, and a little Attention to the original State of that Government, will explain that Difference. Our Authors further inform, Page 17, " The *Ransselaer*
 " Family are not indebted to the Government of
 " *New-York* for their Estate, they continue to en-
 " joy it by an Act of Justice and not of Favour;
 " it was originally a Dutch Colony of itself, grant-
 " ed to their Ancestors by the Dutch West-India
 " Company, who held it as a Part of New Nether-
 " lands, under the States General. On the Sur-
 " render in 1664, their Rights were secured to
 " them

“ them in common with the rest of the Inhabitants,
 “ by the before mentioned Article of Capitulation
 “ granted on the Surrender of the Country, by
 “ Col. *Nichols*, the Commander in Chief under
 “ the Crown, and Lieut. Governor under the
 “ Duke: the Faith of Government was pledged
 “ for their Security, and their Estates were con-
 “ firmed under the Seal of this Colony in the Year
 “ 1685, not by meer Act of the Provincial Go-
 “ vernor and Council, but by an exprefs Order of
 “ King *James* the Second.” They further inform
 Page 5th, “ so long ago as the Year 1685, King
 “ *James* the Second, by Letters Patent under that
 “ Seal granted to the *Ranffelaer* Family the Manor
 “ *Renselaerwyck*, extending from *Hudson’s* River both
 “ on the East and West Sides Twenty-four Miles.”
 This Manor includes the City of *Albany*, and ex-
 tends near Twenty Miles to the Southward of it;
 South of which terminates the Province of *New-*
York, expressed in their Governor’s Commissions,
 so that this Manor is included in their second Dis-
 cription of Domain, viz. the Territories depending
 thereon, and exclusive of this Clause in the Com-
 missions, antecedent to the forementioned Deter-
 mination in 1764, the Governors of *New-York*
 cou’d not exercise Jurisdiction even in the Manor
 of *Renselaerwyck*, and much less to the Northward
 of it, as Settlements which lay Contiguous to
 those Limits seemed necessarily to fall under the
 Jurisdiction of that Government. Thus their terri-
 torial Sort of Dominion hath been extended with-
 out any Prescription or Limitation, agreeable to the
 Observation of their celebrated Judge *Smith*, who,
 speak-

speaking of that Government, said “ it might well
“ be accounted *unlimited*.”

It may be further offered in Objection, on the Part of *New-York*, That allowing the foregoing Arguments relative to the Territories, and that *Rensselaerwyck* was, before the *Æra* of the aforesaid Determination, in Fact annex'd to the Government by the territorial Clause in the Governor's Commissions; yet, nevertheless the Duke's Grant must be valid to the Northward of that Manor, to all the Lands it originally covered. This cannot operate in Favour of *New-York*, for, in Addition to what has been before argued to this Purpose, the Reader is desired to observe, that King *James* the Second, who was this same Duke of York, abdicated the Throne in 1688, and his Estate reverted to the Crown of *England*, and this Grant became vested in the Crown, the same as though the Duke or his Grant had never had an Existence.---Nor have any of their Governor's Commissions, from *Henry Slaughter*, the first Governor appointed by King *William* and Queen *Mary*, down to this present *Æra*, ever been predicated on, or had the least Reference to the Limits of that Grant.

S E C T I O N VI.

THE Government of *New-York* make the greatest Outcry against her Sister Colonies, taxing them with Intrusion, Violence and Encroachment; and, at the same Time, are flagrantly more guilty of
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the same avaricious, unjust, and hostile Wick-
edness than all the rest of English *America*: Their
capricious Land-Jobbers have a surprising Faculty
in carrying their Points; at the same Time, they
are encroaching upon their Neighbours, provided
they meet with Opposition, they will cry out in
the most exaggerating Exclamations, Violence, Ri-
ot, Treason, &c. and at the same Time, not he-
sitate to trample upon his Majesty's Authority,
(the Particulars of which may be seen in the pre-
ceding Narrative) They are great Advocates for
Law, Order, and good Government; these are
their *Horns of Iron*, and with them do they push the
Poor and Needy, when they get them into their Net.
Their Way is as the Way of a Serpent upon a Rock,
and it is difficult to trace their Footsteps: They com-
plain of the lawless, factious, and riotous Con-
duct of the Settlers under *New-Hampshire*; yet
know, that they themselves are the moving Cause
of all the Disturbances they complain of: It is in-
credible to suppose a Collection of Farmers ex-
posed to the perpetual Fatigues, and laborious
Toils of cultivating a Wilderness Country, should
under a just Administration of Law, become "a
Confederacy of Insurgents:" Was it only, that
natural Presumption being so much in Favour of
those Inhabitants, it is humbly conceived, that
all wise and unprejudiced Persons will, at least
suspend their Judgments concerning them, 'till
the *New-Yorkers* can clearly evince, that these Peo-
ple are in reality, without Cause, tumultuous,
disorderly, &c. And, inasmuch as the Facts of this
Controversy is so fully set forth in the preceding
Nar-

Narrative of this Treatise, the Reader is thereto refered for a clearer Exhibition.

OUR Authors, in Order to maintain their Claim to the Lands in Contest, and if possible, to include it within One of the descriptive Limits of the Grant to the Duke of *York*, tell us many strange Things about the Colonies of *Connecticut* and the *Massachusetts*: That *Connecticut* “in legal Construction” should not have extended to the Westward of *Connecticut* River, and that their Settlements West of that River were an Intrusion on the Right of the Colony of *New-York*; yet, nevertheless for Peace sake, and rather than contest with “a powerful Neighbour,” they settled with that Colony at twenty Miles distance from *Hudson’s* River.

THEY further inform, that “the *Massachusetts* “ Claim stands by no Means in so respectable a “ Light as that of *Connecticut*,” and in legal Construction, should extend “no further Westward “ than ’till it meets the Colony of *Connecticut*, and “ not to *Connecticut* River, and much less to the “ Westward of it.” Our Authors being Men of great Learning and Sagacity; soon extended their antient Right of Jurisdiction over such Part of the *Massachusetts* Colony as lay to the Westward from *Connecticut* River, and this their Scheme in stopping the Western Extension of that Colony where it meets *Connecticut*, may be reckoned as one among the greatest of their political Atchievements. “ And it is worthy a Remark,” that had the *Massachusetts* Colony extended West to the South Sea,
it

it could not have met *Connecticut*, but must have extended parallel with it, in the same Direction.

To give this pleasing Scheme some Kind of Colour, they argue the Nullity of the *Massachusetts* first Charter, and introduce the Duke of *York's* Grant as the oldest Title, Page 5th, "The *Massachusetts* Charter was vacated, and the Title of that Colony now solely depends on their Charter of 1691."

YET they allow, that that Colony obtained the Right of Soil from the Council of *Plymouth*, and that the Charter of King *Charles* dated the 4th Day of March 1628-9, * vested them with Powers of Government, (it's needless to animadvert on these strange Accounts) however, after they have charmed their Imaginations with the fruitless Idea of extending their antient Right to all that Part of the Bay Province West of *Connecticut* River, they complain bitterly of the Encroachments of the *Massachusetts*, Page 8th. "Under Circumstances so favourable to the Rights of this Colony, we have great Reason to complain of the unwarrantable Encroachments under the Authority of the Government of the *Massachusetts-Bay*, by which a valuable Tract extending from *Connecticut* River, within Twenty Miles of *Hudson's* River, has been wrested from us."

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" Their

* This is the Charter spoken of as vacated, which was done as has been before largely treated of, in 1684.

“ THEIR Conduct seems the more inexcusable,
 “ as they must have known that such Encroach-
 “ ments were not only disrespectful to his Majes-
 “ ty’s Authority, and big with great Mischiefs
 “ and Disorders, but were highly injurious to pri-
 “ vate Property, great Part of these Lands having
 “ antiently been granted to his Majesty’s Subjects
 “ under the great Seal of this Colony.”

THEN they proceed to recite their old Grants, which they tell us “ cover the Country the whole Breadth of the *Massachusetts*’s Claim :” The Manor of *Renselaerwyck*, granted in 1685, and extending 24 Miles each Side, from *Hudson’s River* ; and *Westonhook*, in 1705, which extends about 30 Miles from *Hudson’s River* ; and *Hoosick*, in 1685, which extends about 30 Miles from the River. It seems to have been a political, and universal Principle with the Government of *New-York*, to begin their Patents within the Twenty Mile Line, and extend them Eastward of it, that by this Means they might have Opportunity to encroach on, and jockey their neighbouring Colonies, more or less, out of their Lands, as subsequent Policy, Intrigue and Power, would render practicable.

THAT Government, thus extended their Patent into *Connecticut*, One in particular, into the Township of *Salisbury* ; and it has ever been their Practice to wrangle till they find by Experience, that neither by Sophistry, Law, or Hostility, they can maintain their exorbitant Claims, and then capitulate on as good Terms as they can ; and conclude with

with branding their Competitors with Dishonesty, Encroachment and many hard Names, and don't scruple to impeach their Governmental Authority, (as in the Case just recited of the Massachusetts-Bay) with being Disrespectful to his Majesty's Authority, and guilty of great Mischiefs and Disorders; although the Authority of their own Government, by their unjust, avaricious Encroachments on the *Massachusetts* even to *Connecticut* River, laid the Foundation of those Disorders, and they might have added Blood-shed; yet their Assembly have the Impudence to Palm it all upon the Authority of the *Massachusetts*.

THE Claimants under *New-Hampshire* are so happy as to be almost exempted from any *New-York* Claims, by Patents from that Government prior to their's; the aforesaid *Hoosick* and *Wallumscock* Patents being the only ones of this Nature, the former includes about one Quarter of the Township of *Pownal*, on which Part were about four Settlers, when it was granted by *New-Hampshire*. This Township is bounded Southerly by the North Line of the *Massachusetts-Bay*, and extends West as far as the *Connecticut* and *Massachusetts* Colonies; the latter, i. e. *Wallumscock* Patent, was granted under the common Seal of the Province of *New-York*, the 15th Day of June, 1739. This Patent is said to interfere with the Township of *Bennington*, and it is Matter of Dispute, whether in it's first Location, it included more than about 30 or 40 Acres within that Town, tho' it seems the Patent by it's discriptive Limits, extends further into the Town,
and

and the Patentees produce a Map corresponding with those Limits : However, an Indian, aged Fifty-Nine, who was Pilot to the Party that located this Grant, informs of a certain Monument they then erected, where they broke a Bottle, &c. for their Eastern Bounds. “ And it is worthy a Remark,” that this Indian happens to be exactly of the same Age with *Ebenezer Cole*, one of our Author’s principal Deponants. This Monument is well known by the *Bennington* People, and is on the Western Edge of the Town ; and there has never been a Discovery of any Lines of the Survey of that Location to the Eastward of this Monument. The many Circumstances of this Nature, amount to almost a Certainty, that the Patentees never made any actual Location further interfering with *Bennington*, than as aforesaid ; notwithstanding, as they have planned their Patent, it includes about one Eighth Part of the Town ; which Lands are exceeding good in Nature, and are settled wholly under the *New-Hampshire* Title, by industrious Farmers, who form a Wilderness State, have cultivated and brought the most of it under good improvements, with many valuable Houses, Barns and Orchards ; some of them annually mowing at least 80 Tons of Hay, and raise other Produce of the Country in Proportion. Not the least Improvements or Possessions were ever made in that Town, except by these Inhabitants ; neither had they the least Knowledge of a Pretence of any *New-York* Patents extending there till several Years after they had settled the Land. As has been before observed, there was about four Settlers on that
Part

Part of *Hoosick* Patent, included in the Township of *Pownal*, when it was granted ; and if the Author has a right Information, there has not been any more Settlements made under the *New-York* Title since, though there hath sundry Families settled on the Premises, included as aforesaid, under the *New-Hampshire* Title.

As the State and Circumstances of such Part of the Townships aforesaid, as are included in the old Patents, are materially different, in many Respects, from the Circumstances of the *New-Hampshire* Grants in general ; it will therefore be necessary that this Matter have a particular Consideration ; and that none of the aforesaid Arguments be considered in this Case but what are truly applicable : and in this Review of the Case, it will be admitted, that the old *Wallumscott* Patent includes such Part of *Bennington*, as the Plan the Patentees exhibit doth contain.

It is taken for granted that the Royal Determination of the boundary Line in 1764 cou'd not extend the Government of *New-York* antecedent to the Date of that Order, which was a Manifestation of Royal Power, and which was the sole Cause of that Extention ; therefore, at the Time the Government of *New-York* granted the forementioned old Patents, they could have no greater Authority for so doing than what they were then in Fact possessed of : It remains therefore to be considered, whether the Patents from the Government of *New-York* are valid or not, so far as they interfere with the Townships

ships of *Bennington* and *Pownal*. And Firstly, it has been proved that the Province of *New-York* as discribed in their Governor's Commissions, doth not extend so far North as the City of *Albany*; therefore, the Northern Tracts of Country which these Patents of *Hoosick* and *Wallumscock* cover, must be considered as belonging to their second Sort of Domain, (to wit) the Territories. It has also been shewn, that these Territories are not circumscribed to any particular Limits, but that they were originally meant to include some ancient Grants that were Independent of the Province and adjoining Settlements, on Extra-provincial Lands: probably that Government may have Authority to grant Land to the West and North-West, where it is indisputably unappropriated, and where the Claim of none other Government could interfere: But it will be insisted upon, on the Part of the *New-Hampshire* Settlers, which are included in the afore-said old Patents, that the Government of *New-York* had no Right to extend any of their Patents to the Eastward of a Line equivalent to that which constitutes the Bounds between *New-York* and the Colonies of *Connecticut* and the *Massachusetts*: This Limit was ever thought by the People in general of the Colony of *New-York*, as well as those of the adjacent Colonies, to be the Eastern Boundary of *New-York*, until the Æra of the late Determination, which extended it to the River *Connecticut*: and labouring Men that support the World of Mankind, are obliged to form their Judgments of the Jurisdiction of Government's by the common received Opinions of Mankind they are conversant with;
and

and even admitting they make an erroneous Judgment, yet, in the present Case, as the Lands were of but little Value, exclusive of their Toil and Cultivation; and as the Farmers in Reality uphold the State, it is therefore not only incumbent on the Laws, but on the Policy of the State to defend them in Cases of this Nature---it must be admitted that where the Limits of Governments are clearly ascertained and notoriously known, that a Farmer trespassing in this Manner on another's Property, must bear the Loss: But, provided a Country of People be generally under a Deception as to Matters of Jurisdiction, and purchase Land and make great Improvements, and all on a mistaken Footing, Men in such Circumstances should be considered in the most favourable Light. For, as not only Individuals, but the Country about them were in the same Manner deceived, and therefore, at the Time of purchasing and Settlement, they were utterly destitute of the Means of Knowledge; yet, however, it is not conceded to, that those Farmers on whose Account the present Arguments are exhibited, are under a Deception about this Matter; for of all Sorts of governmental Jurisdiction, the *New-York* Territorial was the weakest, loosest and most vague; it was rather occasional and political, than positive, and in it's own Nature almost or quite incapable of being extended faster than Settlements were actually carried on, or at most the Lands exposed to this territorial Jurisdiction, should not be patented faster than his Majesty's Subjects are disposed forthwith to settle. The Necessity of granting so fast may be pleaded on Account of Order---
the

the Policy of Government may demand it; otherwise an occasional Jurisdiction would be altogether unable to abilitate the Government to make Conveyance of the Right in Fee; although it is indisputable that such a Jurisdiction in Matters of meer Government, is to all Intents and Purposes, equal to positive Jurisdiction; but with Respect to having a Power to convey the Fee of Lands, is Matter of Doubt: But thus much with Propriety may be inferred, that a Title so weak and impotent should not claim Superiority over the least Conception of Title whatever; a meer Possession is of itself abundantly sufficient to maintain the Right in the Possessor, and on a judicious Tryal at common Law, (cou'd such an One be had) would be judged Paramount to it.

There is another Consideration that must totally extinguish and obliterate all possible remaining Idea of Right, that the Patentees of *Wallumscock* may be supposed to have to the said Tract of Land included in the Limits of the Township of *Bennington*. Only advert to the Date of that Patent, which is on the 15th Day of June, 1739, and compare it with the Time of the Commencement of the Settlement of *Bennington*, which was in the Spring of the Year 1760, and there will be found to be 21 Years, from the Date of this Patent, to the beginning of the Settlement under *New-Hampshire*; ---in all this Time there was not the least Settlement or Possession made in the Premises; although the express Condition of the Patent was, that it should be settled in three Years from the Time of granting.

Pos.

Possibly in all that Time the Patentees might have got some Dutch Tenants on some Western Part of the Patent, which, with the Government of *New-York*, may be denominated a Fulfilment of the Condition of Settlement; many large Tracts having been patented, some since, and others longer ago than that *Wallumscok*, which are yet mostly a howling Wilderness. This Practice of the Government of *New-York*, in extending their Patents to the Eastward of a Twenty Mile Line from *Hudson's* River, hath ever been considered as a disingenuous and designing Policy in that Government; thereby to lay a Foundation for intruding on the Rights of their neighbouring Colonies; and has been attended with many disagreeable Consequences, as has been before observed. And as that Government have given up their exorbitant Claims where they interfered with the Right of the *Massachusetts*, it would undoubtedly be their wisest Way to do the same with Respect to such Claims as interfere with the Right granted under the great Seal of the Province of *New-Hampshire*; and instead of treating the People that have settled those Lands under that Title, as Rioters and Felons; to exercise that Justice and Humanity towards them, which becometh Governors, to the governed.

It remains still, that there be a summary View exhibited, relative to the Rule of Right which should take Place with Respect to the Settlers under each Government, that are settled on such Part of the forementioned Patents as are included in the Townships of *Bennington* and *Pownal*. And al-
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though

though Superiority of Title is in Favour of those under *New-Hampshire* ; nevertheless, as the Line of Jurisdiction, in those Times of granting and Settlement, was not expressly ascertained or known.---- Under these Circumstances, it would not only be bad State-policy, but great Inhumanity and Injustice to the Subject ; for either the Government of *New-York* or *New-Hampshire* to dispossess them, let them have settled under the Title of either ; for Titles liable to so much Dispute and Uncertainty as both must be confessed to be (though One may have much the Preference of the Other) are not sufficient to oust the Possessor, inasmuch as both challenge a legal Right ; therefore, either Title, sealed and confirmed with the Sweat and Toil of the Farmer is abundantly paramount to the Other.

OUR Authors, in their Appendix, Page 19th, mis-represent the Plea of the *Bennington* People, in saying, “ To reason on their own Principles, if
 “ Equity confirmed the Claims of Others under
 “ *New-Hampshire*, on Account of Priority of in-
 “ terfering Grants, it would have afforded a fatal
 “ Plea against the People of *Bennington* ; because
 “ they ought then themselves to have yielded up
 “ all the Lands which are covered by more anti-
 “ ent Patents.” The People of *Bennington*, or rather the Claimants under *New-Hampshire*, have ever insisted, that at the Time the Government of *New-Hampshire* granted those Lands, they had good Right so to do ; but that *New-York* had not. This Matter is illustrated and proved by many Arguments, and real Facts, in this Treatise, particularly
 in

in the 2d and 3d Sections, to which the Reader is referred. 'Tis true, provided the *Bennington* People had no further Considerations in the Matter of Title, but the Priority of interfering Grants--- according to this Method of arguing, they ought to yield up such Part of that Town as interferes with *Wallumscott* Patent ; but the Consideration of Settlement is undoubtedly, with the many other Matters, material to be considered, as argued aforesaid.

S E C T I O N VII.

HAVING gone through with the Remarks on the *New-York* Pamphlet, so far as immediately respects the Title of those Lands which has been the Principal Cause of the Publication of this Treatise----- shall nextly proceed to detect some notorious and dishonorable Mis-representations contained in the Pamphlet aforesaid, particularly in the Appendix. In this brief Review, it would be too tedious, as well as needless, to trace the Authors through all their disguised and fictitious Representations, and intricate Windings. Shall therefore pass on with noting such of their Exhibitions as are the most cruelly fallacious ; among which the Story of the Extention of the Township of *Bennington*, merely by a Vote of the Inhabitants, at a Town Meeting, to the Westward from where it was intended to be granted, and within Seventeen Miles of *Hudson's* River, is the most flagrantly opprobrious. The Story may be seen recorded in the 4th Page of their Appendix. “ The Grantees of the Township
“ of

“ of *Bennington*, discovered that the Situation of the
 “ Tract according to the Intention of the Grant,
 “ would be both inconvenient and unprofitable,
 “ as it included a large Proportion of Mountain ;
 “ and they therefore, by no better Authority than
 “ a Vote of their Town Meeting, presumed to ex-
 “ tend it to the Westward, within Seventeen Miles
 “ of *Hudson's River*.”

As this Representation in All and every Part is
 entirely groundless, and no Pretence of Proof to
 support it, but is the meer calumnious Aspersions of
 those who have an implacable Hatred to the *Ben-*
nington People, a positive Denial of the Facts al-
 ledged, would be a sufficient Refutation of those
 Facts. Nevertheless, as the Assembly of *New-York*
 have made a principal Engine of this infamous
 Story of their own Creation, to destroy the good
 Character of the People aforesaid, by representing
 them to the Government at Home as the vilest of In-
 surgents and Out-Laws---and inasmuch as the Facts
 alledged are capable of Dis-proof by mathematical
 Certainty, and sundry Demonstrations of this Sort
 having been actually made, (though not with a
 View of disproving this Calumny, as it had not
 then been published,) by Admensurations of the
 Distance from *Hudson's River*, to the Westerly Line
 of *Bennington*, all of which agree that it is at least
 Twenty Miles. Mr. *Samuel Robinson* for once made
 an actual Mensuration of that Distance, and found
 it to be Twenty Miles and Thirty-five Chains ;
 his Affidavit and Mr. *Ebenezer Wood's*, together
 with an attested Copy of the Survey of that Town
 by

by Mr. *Matthew Clesson*, the Surveyor, is thought Expedient to transcribe in it's following Order, which will abundantly serve to exculpate the People of *Bennington* from that Odium wherewith they have been branded. The Author is furthermore especially directed by the Inhabitants of that Town, to "request the Government of *New-York* " to vindicate what their Assembly have before " alledged, by another accurate Mensuration of " the Distance from *Hudson's* River, to the West- " terly Line of *Bennington*; and further notify that " Assembly, that as omnipotent as they may con- " ceive themselves to be, they must nevertheless " recede from the Calumny wherewith they have " abused the Inhabitants of that Town, and do " public Penance for the same, or continue under " the Resentment of those Inhabitants:" Which take an additional Affront at the ill Usage, inas- much as our Opponents tell us Page 3d, it is to " be transmitted for the Information of the Go- " vernment at Home;" and further inform that it was to guard against the Impositions which from the Want of Candor, they were apprehensive the said Settlers, who " spared no Art or Act of Vio- " lence," would by their Agents deceive the Go- vernment at Home, and therefore they had undertaken to transmit a Narrative of those Settler's Proceedings, for the Information of that Govern- ment. It seems the said Assembly fully resolved that the Settlers and Agents from the Want of Candor, would endeavour artfully to deceive, &c. and that themselves were as fully resolved to over- match them in a Game of that Sort, being greater Practitioners

Practitioners than Peasants ; But artful as they are, they made a fatal Mistake in advancing for Matter of Fact that which in its own Nature is incapable of Proof, and what has been disprov'd by Evidence of a mathematical Nature, and capable of further Dis-proof by actual Mensuration. It is no Ways marvellous that those Gentlemen which govern in that Assembly have an Antipathy against the Inhabitants of *Bennington*, who have had a great Share in defeating them in obtaining Possession of the Country of the *New-Hampshire* Grants : It seems they are not insensible of their Merit, for, say they, “ it is to this Township erected by a “ Charter in itself void, and so greatly abused, “ that we are to ascribe all the Opposition which “ has since been given to the Jurisdiction of *New-York*.” It is evident that these Gentlemen have an evil Eye upon *Bennington* Inhabitants ; for, when they mention the Opposition to their Jurisdiction, they take Care to repeat the aforesaid groundless Aspersions, by adding these Words, “ erected by a Charter in itself void, and so greatly abused.” They still proceed upon this their favourite Topic, and draw particular Inferences from it to their advantage, “ for by changing the Situation” of *Bennington*, “ it is made “ to comprehend a large Part of *Wallumscok*, “ which was granted under the Seal of this Province so early as the Year 1739.” This their scandalous Assertion is twice repeated in Page 8th. One of the Passages is as follows : “ Mr. *Ingersoll*, “ one of the most eminent Counsel in *Connecticut*, “ and Mr. *Selvester* of *Albany*, were concerned for the

the Defendants. When these Gentlemen found *Breakenridge's Farm* to be within Seventeen Miles of *Hudson's River*, and greatly to the Westward of what the Government of *New-Hampshire* had admitted to be the Jurisdiction of *New-York*---they told him that it was impossible to set up any Principle for his Defence. Accordingly, when his Case was brought to Tryal, he refused to confess the Lease, Entry and Ousture, agreeable to the Rule, and the Plaintiff being Non-suited, obtained Judgment in the succeeding July Term, against the casual Ejector."

THIS is far from being the true State of the Case. Sundry Causes which had been tried, were determined against the Claimants under *New-Hampshire*, and Mr. *Breakenridge* perceived it was expending Money to no Purpose, to maintain a Suit at Law against the *New-York* Patentees, as they had such a Combination of Interest with the Judges, Part of which were interested in the *New-York* subsequent Patents, which interfered with the Grants under *New-Hampshire*, though not in those on Tryal. This, with many other Things too tedious to particularize, was the Cause why Mr. *Breakenridge* would not defend the aforeiaid Suit in Tryal; but there was not a Word said, (as he informs me) between him and his said Attornies, about his Farm's being within Seventeen Miles of *Hudson's River*; nor is it likely ever such a Thing was mentioned in *Albany County*; the contrary being so well known. Undoubtedly, this was wrote "for the Information of Government at Home,"
 thinking

thinking the Fallacy would not there be detected, it being at so great a Distance.

OUR Authors, P. 10th, after giving a Narrative of a riotous and tumultuous Outrage, committed by the Inhabitants of *Bennington*, for which Proclamation had issued from the Earl of *Dunmore*, against the principal Authors of the Disturbance "which could not be brought to Justice," then they introduce a particular Charge against Mr. *Breakenridge*, which is entirely destitute of Foundation, viz. That he was One of the principal Rioters. To this they join the former Calumny of the Westward Extention of *Bennington*, "by a Vote of their Town Meeting;" and add to both these, the groundless Story of Mr. *Breakenridge's* Council's Inability to set up any Principle in his Defence, by Reason of his being seated "within Seventeen Miles of *Hudson's* River." All these Fictions blended together, make considerable of a Figure, in their own Words, "*James Breakenridge* and "*Isaiab Carpenter*, were Two of the most inexcusable of all the Offenders: the first had seated himself within Seventeen Miles of *Hudson's* River, where he knew it was impossible, on their own Principles, that he could be protected by the *New-Hampshire* Claim, he had declined a fair Tryal, and suffered Judgment by Default." With Respect to Mr. *Breakenridge's* being active in any Expeditions (the *New-Yorkers* denominate Riots, Mobs, Felony, &c.) it is well known thro' the Country of the *New-Hampshire* Grants, he has not. In the 18th and 19th Pages of the Appendix,

dix, they repeat their former Aspersions against the Inhabitants of *Bennington* in the most virulent and emphatical Language-----“ And what is still more
 “ shameful, they contend, they arm, they fight, for
 “ Lands, as a Part of *Bennington*, which lies with-
 “ in Seventeen Miles of *Hudson’s* River, and which
 “ the Government of *New-Hampshire* never claim-
 “ ed, but admitted to be beyond their Jurisdicti-
 “ on.”

AS THERE can be no Doubt but these Gentlemen really wish these things to be true, and having so frequently repeated them as being so, it is conjectured they by this Time begin to believe them, or at least think others may; but that the impartial Reader may have the real Truth of the Matter, the following Evidence is exhibited.

“ A Plan of a Township of Six Miles square (i.e. *Bennington*) lying in his Majesty’s Province of *New-Hampshire*, laid by *Matthew Clesson*, Surveyor, *Abraham Bass*, *John Hooker*, *Ezekiel Foster*, and *Samuel Calboon*, Chainmen, in Pursuance of an Order from his Excellency, *Benning Wentworth*, Esq; Governor of said Province, to Col. *William Williams*, lying Six Miles North of the Province Line that was run by Mr. *Richard Hazzen*, between said Government, and the Province of the *Massachusetts-Bay*, and Twenty Miles East of *Hudson’s* River, viz. Beginning at a crooked Hemlock Tree, mark’d W. W. Six Miles due North, or at a right Angle from said Province Line, said Angle commencing at a White Oak Tree in said Line, mark’d M. †† O.
 T I. T.

I. T. which Tree is Twenty-four Miles East from *Hudson's River*, allowing one Chain in Thirty for Swag, (which Allowance is made through the whole following Survey) and from said Hemlock Tree West, ten Degrees, North four Miles, to a Stake and Stones ; and from said Stake and Stones North ten Degrees, East six Miles, to a Stake and Stones ; from thence East ten Degrees, South six Miles, to a Stake and Stones ; and from thence South ten Degrees, West six Miles, to a Stake and Stones ; from thence West ten Degrees, North two Miles, to the Hemlock first mentioned, which Survey was made November, 1749,

(A Copy.) Per. MATTHEW CLESSON, *Surveyor*.
HAMPSHIRE, ss. *October 30th*, 1749.

Matthew Clesson, Surveyor, John Taylor, Ezekiel Foster, and William Williams, Chain-men, on November 3d, 1749, John Hooker, Abraham Bass and Samuel Calboon, Chain-men, were all sworn to the faithful Performance of the respective Services aforesaid, and for the above Survey.

Quorum, TIMOTHY DWIGHT, *Justice Peace*.

(A Copy.)

THE Deposition of *Samuel Robinson*, who, being of lawful Age, saith, He being a Surveyor, hath laid out in Lots, a great Part of *Bennington*, and is confident that the West Line of said Town is the Line that *Matthew Clifson* run before the Town was granted (upon which said Grant was made,) and as I have run all the Lands East, adjoining said Line, and some on the West Side, I never knew of any other Line that was called, or known, or supposed to be the West Line of *Bennington* ; but according

according to that Line, the Proprietors have settled, not making any Improvements in the least Degree to the West of said Line.

AND the Deponent further saith, That his Excellency, *Benning Wentworth*, late Governor of *New-Hampshire*, gave a Warrant to *Samuel Robinson* and *George Gardner*, Esq's, and *John Davoow*, to get the Line run and measured out, from *Hudson's River*; which committee employed the Deponent as a Surveyor, with *Timothy Abbot* and *John Drott*, as Chainmen, who were under the Inspection of said Committee, and under Oath, measured out from said River Twenty Miles, according to the afore-said Governor's Warrant; and then turning a right Angle North, ten Degrees East, which they did, and found the West Line of *Bennington* to be East of the Line your Deponent run, Thirty-five Chains; and so the Proprietors of said Town concluded the afore-said *Cleffon* Line to be right, and have conducted accordingly.

And further, your Deponent saith, *John R. Blaker*, Esq; of the City of *Albany*, got some Chainmen soon after your Deponent had run the Line, and measured out, and told your Deponent that *Bennington* West Line, was more than Twenty Miles from *Hudson's River*: And *Archebald Campbell*, of *Albany*, Deputy-Surveyor, told your Deponent, that he had measured out, and found it to be above Twenty Miles. And further saith not.

SAMUEL ROBINSON.

Sworn before me, in Hoosick, the 29th March, 1774.

JOHN MALCOMB, Justice.

THE

THE Deposition of *Ebenezer Wood*, who being of lawful Age, saith: He being chosen a Select Man for the Town of *Bennington*, and sent to Perambulate the West Line of said Town, which accordingly I did, which Line *John R Blecker*, Esq; of the City of *Albany*, told your Deponent was more than Twenty Miles from *Hudson's River*, which was the Line that *Matthew Cleffon* run; and your Deponent never see or heard of any other Line but that, for *Bennington* West Line. Further saith not.

EBENEZER WOOD.

Sworn before me in *Hoosick*, the 29th Day of March, 1774.

JOHN MALCOMB, Justice.

It may now be requisite to give the Reader to understand, that although no Part of the Township of *Bennington* interferes with a Twenty Mile Line from *Hudson's River*; yet, it is probable some other of the Westerly Tear of Townships may in some Places, and in Others not approach it by a considerable Distance, which may be easily understood by the Windings of the River.

THE *New-Hampshire* Grants are bounded West on a Line commencing at the *Massachusetts* North-West old Corner, extending North ten Degrees, East till it reaches almost opposite to *Ticondaroga*, then extending West to the Lake. It is beyond Dispute, considering the Course and Windings of *Hudson's River*, that there is as much or more Land included in the old supposed Government of *New-York*, by this Division, as would be by extending a
Twenty

Twenty Mile Line exactly parrallel with the River; it is also to be observed, that where those Grants, as above, extend West from this Line to meet the Lake, *Hudson's River* is at least Forty Miles to the Westward.-----Therefore, upon this Hypothesis, it may well be concluded, that, although some Towns may interfere with a Twenty Mile Line from the River, yet the Proprietors have nevertheless equal Right to those Lands with them whose Townships do not interfere with that Line. Undoubtedly, against the Colonies of *Connecticut* and the *Massachusetts Bay*, this was the Case; that in some Instances *New-York* lost Land by the Windings of the River, in others it gained it so as to make it about equivalent to a Breadth Twenty Miles East from the River; had the Line commenced at that Distance from the River, and extended Equidistant to it, which would be a Line Difficult to ascertain, and perpetuate.

THE Representations our Authors have exhibited in the Thirteenth Page of their Narrative, relative to *Cochran, Allen and Baker's* dispossessing some People settled on a Tract granted to "Mr. *Farret*, a reduced Lieutenant," which is in the Western Part of the Township of *Rupourt*, and demolishing several Buildings, &c. are nearer the Truth, than most of their Accounts; yet, as the real State of the Facts are materially different, in many Respects, and as Evidence of these Matters is procured, for Brevity's sake shall pass over with inserting it.

THE Depositions of *Jesse Graves, Daniel Scott,*
and *Enoch Eastman*---is, THAT

THAT some Time in the Month of October 1771, We was in Company together in the Westerly Part of *Rupourt*, a Township of the *New-Hampshire* Grants, and we perceived there was a Controversy between the *New-Hampshire* Settlers of that Township, and sundry Persons that had newly come to that Place, with Axes and Saws, and other Farmery Instruments, to begin a new Settlement near the West Line of said Town, and within the Limits of the same, under subsequent Patents, under the Grant of the Province of *New-York*, which laped on the Township aforesaid: And sundry of the *New-Hampshire* Settlers of that Town were gathered together to the Number of about Nine, including *Ethan Allen*, and *Remember Baker*, which was not Inhabitants of said Town; this Number of Persons went to warn off Two Men, whose Names were *Todd*, that was then at work on a Lot of Land laid out to *Robert Cochran* in said *Rupourt*, and on the same Piece, where said *Cochran* had partly cleared before, and had in his Possession: and we the Deponents went with the Party, having a Curiosity to see the Event, for we were informed that the Two Encroachers, viz. the *Todds*, had bid a Challenge against the *New-Hampshire* Settlers, and that they were provided with Arms, and had threatened the Life of the said *Cochran*, and claimed the same Land by a subsequent Patent from the Governor of *New-York*: So the Party came to where the Two Persons above named were at work, clearing Land, and warned them, to forthwith go off from the Premises, and they did accordingly.

And

And we found it true that the Two Encroachers was well furnished with Fire-Arms, and so was the Party of Nine Men that went to dispossess them; expecting there would be near or quite as many to oppose them, but there was no Pretence of using Fire-Arms on either Side. After this, the Party of Nine Men went a little further, where another Person had began to build a Log-House on a Lot of Land belonging to a *New-Hampshire* Grantee in said Town; the Logs were laid, and the Rafters fixed thereon for the Roof; the Person's Name that was building the same, was *Hutchinson*, the Party aforesaid warned him off the Land; accordingly he departed the Town, but tarried to see the Logs he had collected together, pulled down, and laid in Four Heaps by the Party, and burned with Fire. After this, the Party advanced a little further, where one *Reid* had began a small Improvement on a Piece of Land in the Town of *Pollite*, his Claim being also under *New-York*, on a subsequent Grant, where was a poor Shelter, four Crotches being drove into the Ground, and a Pole laid thereon, and Boughs added to the heap in Lieu of a Roof: This shiftless Fabrick was also consumed by Fire by the same Party; and we the Deponents, were Eye-witnesses of the Fact before related; and directly after this, the Party dispersed: But there was no Family dispossessed in the whole Affair, nor was there any that had moved on the Premises under Title from *New-York*. And further the Deponents say not.

Taken and sworn before me, one of His Majesty's
Justices

Justices of the Peace in and for the County of *Charlotte*, and Province of *New-York*, this 11th of March, 1774.

EBENEZER CLARK.

HAVING procured with much Difficulty some Evidence relative to a spirited Controversy that hath for many Years subsisted between Col *Reid*, of the City of *New-York*, and certain Claimants under *New-Hampshire*, about a Township of Land called *New-Haven*, adjoining to the first Falls on *Otter-Creek*, a little to the Northward of *Crown-Point*; a State of the same Controversy, from the Commencement of it down to the Year 1772, was conveyed to Governor *Tryon*, a Copy of which has been transcribed in the Narrative, at the Beginning of this Treatise. The present Evidence will serve to support the main Facts there alledged, as well as inform with Respect to some later Transaction of the same Controversy, which by Turns has subsisted to this Period. More Evidence would have been produced, not only relative to this Affair; but fundry others, had it not been, that the Justices at *Crown-Point*, refused to take any Affidavits in Behalf of the *New-Hampshire* Settlers, except those hereafter inserted, although they have been often thereto requested.

The Deposition of James Henderson and David Brieda, is as follows:

THAT, on or about the 19th Day of June, 1773, we arrived from *Scotland* at *New-York*---soon after
our

our Arrival, we met with Col. *Reid*, in *New-York*, who invited us to settle under him in the County of *Charlotte*, on Lands which he said he owned in that County. We being Strangers to the Country, and not knowing there was any Dispute or Controversy about Land in America, thought best to accept of his Offer ; and accordingly agreed to go with him, on the following Terms, viz. That we should have a Lease of our Land forever, with the first seven Years free from Rent, and after that, Six Pence per Acre yearly, and to deliver to him at his Mill or Mills, the Tenth Part of our Grain yearly, and not to cut any Timber, save what the clearing our Lands required. On the aforesaid Agreement we set out from *New-York*; with said *Reid*, and when we arrived at Fort *Miller*, we hear'd those Lands that we agreed for, were in Dispute ; on which we went to said *Reid*, and acquainted him, that if his Lands were in Dispute, we rather chose to turn back, than to go any further ; but he affirmed to us, that his Land was not in Dispute, and that he would put us in peaceable Possession, and protect us there. On this Encouragement we went forward as far as Fort *George*, where we heard the News of the Dispute again confirmed to us ; on which some of our Company would have turned back, but Col. *Reid* refused to let them go, assuring us that the Lands was not in any Contest, and that he would compel us to go forward. After this we went to *Crown-Point*, where we understood that the Land to which we were going, was granted to the Settlers that were on it by the Governor of *New-Hampshire*, and that they

U

would

would not give up their Title, it being antecedent to *New-York* Patents. After hearing that we should have Trouble, we absolutely refused to go any further, telling Col. *Reid* that we did not come to *America* to fight for any Man's Title, nor to take away any Man's Property, and desired we might go back to *New-York*; but he refused, alledging that we should fulfil our Agreement, and, that there was a Parcel of *Yankies*, or *New-England* Men, settled all over America, without any Right or Title to their Lands, and he would put us in Possession, and defend us there. After this, he brought us to the Mouth of *Otter Creek*, and then he ordered every Man to load his Gun; but I, viz. *James Henderson*, refused to load mine. Next Morning, at the Falls of said *Creek*, he ask'd me where my Firelock was? I replied, it was in the Battoe. Ay! Damn you! said he, you dare not load your Firelock---you will make a bad Soldier. After this we went to *New-Haven*, a Town above the Falls, where we found large Improvements made, and the *New-Hampshire's* actually in Possession with their Families, which Families said *Reid* turned out, and put us, with the Rest of our Company, in their Place---then he said, there was no further Danger, and went back and left us to keep Possession of those Houses and Improvements. Soon after this, came a large Number of armed Men which stiled themselves the *Green-Mountain-Boys*, and they demanded of us if we were *Reid's* Settlers? We replied that we were. Then they informed us that their Business was to dispossess us, alledging that those Lands were antecedently

ly granted to them by the Government of *New-Hampshire*, and that they would keep Possession of them 'till his Majesty's Pleasure was further known. Then they ordered our Goods and Effects to be taken out of the Houses, that none of them should be hurt, which was done; and then they demolished and burned the Houses, which were made with large Logs, but nothing of our Household Goods were burned. Next Day they pulled down a Grist-Mill of said *Reid's*, and there was a small Stack of Hay burned; which they said accidentally took Fire; and that if they could find out that any of their Men put Fire to it, they should pay for the Hay; for, they said, they did not approve that any of the Effects of the Earth should be destroyed. Their Horses likewise destroyed some of the Wheat and Corn, but they did not otherways abuse our Persons, Effects or Families; neither did they exclaim against governmental Authority, but constantly affirmed that they would maintain their Property, and defend it from the Incursion of Col. *Ried*, or any other Claims from *New-York*, until his Majesty's Pleasure should be further known. And further we the Deponents say, not.

Sworn before me at *Crown-Point*, 17th March, 1774.

THOMAS SPARHAM, Justice Peace.

THE Deponent, *Joseph Pangbun*, jun. saith, That in the Month of August, 1766 or 7, Col. *Reid* accompanied by *Adolphus Benzel*, and several Others, did come to *Otter Creek*, to the Dwelling Place of him, the said *Joseph Pangbun*, where the said Deponent had lately built a Saw-Mill, and forcibly did dispossess

dispossess the said Deponent, and by Force did put the said Col. *Reid* in Possession of the said Saw-Mill, together with a large Quantity of Logs and saw'd Boards, which he the said Col. *Reid* did convert to his own Use, to the utter Undoing of the Deponent, and that he the said Deponent, was kept out of his Possession six Years, or upwards, when he recovered his Possession, but was in a short Time by the said Col. *Reid*, again dispossessed, and reduced to the last Extremity. That the said Deponent had a legal Right to the Saw-Mill and Land; they were *his own Proper Estate*, as granted and given, by Charter to a certain Number of Proprietors, by his Majesty's Governor, his Excellency, *Benning Wentworth*, then Governor of his Majesty's Province of *New-Hampshire*.

WHEREAS I the said Deponent, have made Application to all his Majesty's Justices of the Peace at *Crown-Point*, and cou'd not obtain an Affidavit of the above Circumstances, I the said Deponent do, in Presents of the subscribing Witnesses, aver the above to be the Truth, the whole Truth, and nothing but the Truth. *So help me God.*

JOSEPH PANGBUN, jun.

*Phineas Spalding,
John McAlpine,
William Patterson.*

SECTION

S E C T I O N VIII.

OUR Authors in the Twenty Seventh and finishing Page of their Narrative, discover great Invention and Subtilty, who after giving an Account of the unfortunate Circumstances of the Town of *Hinsdale* which has, say they, “ been
 “ taken up by a Royal Mandamus.” This Township had first been granted by the Government of the *Massachusetts Bay*, and upon the Settlement of the Boundary-Line between the *Massachusetts* and *New-Hampshire* in 1739, it fell within the latter, and by them granted, and fully ratified to the Inhabitants and Proprietors, who in Addition to their Title, had also the Indian Right. This Township, by the Determination of the Boundary Line between *New-York* and *New-Hampshire*, fell within the Jurisdiction of the former, and was by them granted to Col. *Howard*, after it had been settled about Seventy Years. The Assembly of *New-York* in Order to screen their Government from the Imputation of the Blame justly due to so reprehensible a Conduct, endeavour to palm it on the Government at Home, see Page Sixth, with Respect to “ *Hinsdale*, a Township in the South
 “ East Corner of *Cumberland* County: Even this is
 “ not to be ascribed to our Government, it proceeded from a much greater, and the highest
 “ Authority: A Mandamus was produced from
 “ the Crown, on the Report of the Board of
 “ Trade, and by the Advice of the Privy Council, which vested the Grantee with a Right of
 “ Election, an Act decisive in itself, and superceding

“ceding the Agency of the Governor and Council here, and the usual Forms.” A very Extraordinary Representation! The Nature of a Royal Mandamus is diametrically opposite to this Interpretation: The Right of Election in the Grantees, is restricted entirely to Crown Lands which are unappropriated; in such Lands, the Grantee has a Right of Election, and common Sense may teach, that neither a Mandamus or any other Crown Grant can subvert the Property which the Subject holds under the Crown by Prior Grants; and, though there be ever so many Alterations in the Jurisdiction, sundry of which have perplexed the Town of *Hinsdale*, yet this should have no Effect on the Property of the Subjects.---- These Grantees are likewise withheld from interfering on the Right of the Indian Subjects.----- Yet, it seems Col. *Howard* had the Vanity to locate his Mandamus on the old Plantation of *Hinsdale*, which was firstly appropriated by a Purchase from the *Indians*, secondly, by a Grant from the Government of the *Massachusetts Bay*, and thirdly, by the Government of *New-Hampshire*, and fourthly, by an uninterrupted Possession and Occupancy about Seventy Years.

THE Subterfuge the Gentlemen make Use of, to rid their Government from Dishonour, in making this last Grant of *Hinsdale*, is very extraordinary; it seems not well calculated “to be transmitted for the Information of the Government at *Home*!” who are undoubtedly competent Judges of their own Mandamus’s, and no Doubt

Doubt will easily discern their Last Error to be worse than the First. Such preposterous granting of Lands, is Criminally injurious to the Subject, as it never fails to embarrass the different Claimants with many concomitant Difficulties. Yet, still to cast the Blame due to their Government, on the King's Mandamus, is more daringly injurious to the highest Authority in the Nation.

LASTLY, the manner of Redress prescribed for the Sufferers, viz. the old Proprietors of *Hinsdale*, is the most shocking Piece of Contrivance, Page 27, “ *Hinsdale*, a small Township which has lately been taken up by Virtue of a Royal Mandamus, is alone unfortunate---but even here the Possessors may be relieved, by a suitable Compensation, equal to the Value of their Improvements in Crown Lands, free from the Expence of Fees.” These Gentlemen in their great Clemency have also conceded that the *New-Hampshire* Settlers in general may be thus considered, “ On the same Terms, may be assigned to each of those who are seated on the Soil, actually appropriated to others by the Government of *New-York*, and the Possessions of which cannot for that Reason be confirmed; such a Proportion of Crown Lands, as the Governor and Council shall judge to be adequate to their respective Improvements.”

THEN they proceed to describe the Tract, “ A Fertile and extensive Country, in the north-
“ ern

“ ern Part of the County of *Charlotte*, and be-
 “ tween *Connecticut* River and Lake Cham-
 “ plain, still remains unpatented by either Go-
 “ vernment; and might be planted and culti-
 “ vated by these People:”----What a surprising
 Condescension this! the Posterity of the Original
 Proprietors of *Hinsdale*, especially, to be allowed
 the Privilege to pull up Sakes, quit their Farms
 and Possessions, Houses, Orchards, &c. and join
 Company with the *New-Hampshire* Settlers in ge-
 neral, and trudge off to the North-East Part of
 the Wilderness of *Charlotte*, and there commence
 another Settlement, leaving their pleasant Habi-
 tations, Fields, Tenements, and Country, in Ex-
 change for a howling Wilderness; a pretty Ex-
 change!----and this to gratify a number of *New-*
York Cormorants. But, let’s stop a little and
 consider-----whether it would not be more Righ-
 teous to change the Scene, and so the *New-York*
 Patentees remove their Patents, that interfere with
 the *New-Hampshire* Grants, and lay them in the
 Wilderness of *Charlotte*, as neither Government
 have appropriated it.

A sufficient Reason to be offered in favour of
 the latter of these Projects, is, that the Settlers
 under *New-Hampshire*, are in Deed, and in Truth
 the right and lawful Owners and Proprietors of
 the Lands they possess, as, ’tis apprehended,
 has been fully demonstrated in the preceding Sec-
 tions. Although these Gentlemen have, in the
 Course of their Narration, flung out very extra-
 ordinary Hints of rewarding his Majesty’s Sol-
 diery,

diery, by the Distribution of those Lands, yet, they may here again be reminded, (which may further serve as the above Reason) that his Majesty's Proclamation directed the Soldiery to make their Pitches on unappropriated and vacant Lands; this therefore, they must do, at the Hazard of losing their Grants, or repitching. For those Lands which being antecedently granted by the Crown, by the Agency of the Governr and Council of *New-Hampshire*, must forever exclude the Soldiery from pitching thereon; and put it entirely out of the Power of the Government of *New-York*, or the Crown, to grant them to a Second Person: And when it is considered, that the *New-York* Land-Jobbers have, long since purchased great Part of the Soldiery Rights; and that for a mere Trifle, and laid them out of themselves, at their own Risque; their Arguments on that Subject, cannot contribute greatly to the Removal of the *New-Hampshire* Settlers, to the exterior Part of *Charlotte*.

Our Authors have given a tedious History of the Suits at Law, which have been commenced, by the *New-York* Patentees, against the Claimants, and Occupants under *New-Hampshire*, and have exhibited many specious Appearances of Fairness, Equity, and Impartiality in their Tryals. However, the Reader must observe, that in every of those, so boasted of, candid Tryals, the Defendants, by the Result, were to be dispossessed of their Farms. They then continue to tell of the entire Satisfaction of the Vanquished, (together

ther with such of the *New-Hampshire* Claimants as attended the Courts) relative to the Validity of the *New-York* Title.----Soon after this, they give a surprising Account of Riots and Outrages, committed by these Settlers, and mention *Allen* by Name, (who they say, but a little before was so fully persuaded of the Validity of the *New-York* Title) as one of their Leaders. This Narrative is in itself incredible, it cannot be supposed, that Men who were convinced, they had had an impartial Trial at Law, and of the Insufficiency of their own Title, and the Authenticity of that of their Opponents, would rally to arm, in Defiance of legal Authority, and in Defence of their own invalid Title; especially, after they had publicly declared their own Sentiments concerning that Matter.

THIS Assembly seem profusely lavish in the Praise of their own Government, concerning the Generosity, Forbearance and Humanity, &c. they have exercised towards the *New-Hampshire* Settlers; and that nothing of that Sort may here pass unnoticed, but that every Act, by them done, worthy of such Appellations, may be duly acknowledged; it will be freely confessed that Governor *Tryon*, and the Majority of his Majesty's Council, conducted with Honour and Humanity toward them; while his Excellency was in the Administration, except in passing some very extraordinary Laws on the 9th of March, 1774, which may be seen in the fore Part of this Treatise, under the Head of the Narrative: But those Settlers must have that
Charity

Charity for his Excellency, as to conclude he would not have put his Sanction to those Laws, had he not known the said Settlers called the *Green Mountain-Boys* to be very expert with Fire-Arms and likewise very good Woodsers; and consequently, that the *New-York* Land-jobbers cou'd not put these Laws in Execution. To view this Matter in any other Light, they would be obliged to distrust the Fidelity of their worthy Friend Governor *Tryon*. But to return to the Subject of Generosity. The Assembly of *New-York* are unwise to make so great a Bustle about this Matter, inasmuch as they have spoiled the Joke themselves, by their so infamous a Proposal of Accommodation, which as has been before observed, is, that the *New-Hampshire* Settlers remove to the Wilderness of *Charlotte*, in Order to gratify a certain Fraternity with the Country they have with much Toil and Expence subdued: We have a very beautiful Representation of this *New-York* Beneficence by a wise Author, "the tender Mercies of the Wicked are Cruelty."---Now follows another Quotation from our Authors, which is no less than a barefaced Insult on those Inhabitants, and one of the boldest of Misrepresentations. "If the *New-Hampshire* Claimants imagined that they were aggrieved by the Decisions of our Judges, the Means of Redress were in their own Power; and they ought to have sued their Writs of Error, and in the legal and ordinary Mode, to have referred their Cause to the final Sentence of his Majesty: But to expect a Remedy incompatible with the Administration of Justice, and the Rights of the Subject

“ Subject, either bespeak the greatest Ignorance,
“ or Presumption.”

COULD they once get this established, that there should be no Access to his Majesty, or Trial, but in this “ ordinary Mode,” it would no doubt, be to their entire Satisfaction; Tryals in that Government would then easily become decisive; for in no Case, wherein the Demand of the Plaintiff is below the Sum of Five Hundred Pounds, a Writ of Error in Favour of the Defendant can issue. And the *New-York* Attornies who compiled the *New-York* Statings, and are also Patentees under that Government, well knew that every Action brought against the *New-Hampshire* Claimants has been designedly laid below that Sum. Yet they were possessed of that extreme Boldness to aver in exprefs Terms, that, “ if the
“ *New-Hampshire* Claimants imagined, that they
“ were aggrieved, by the Decisions of *their*
“ Judges, their Means of Redress were in their
“ own Power.” i. e. by Way of a Writ of Error.

THERE is nothing exhibited in this *New-York* Pamphlet which more sensibly deserves Resentment than their Pretensions of Indulgencies, Favours, &c. conferred on these Claimants by that Government---“ To the Honor of the Government of
“ *New-York*, it may justly be asserted, that the
“ *New-Hampshire* Claimants have received every
“ Mark of Favour and Indulgence which the Circumstances permitted.” Such Hypocrisy debases

bases Human Nature, is the Pest of Society, partakes of Falshood and Treachery ; and what renders it peculiarly vile, is, that it usurps the Seat of Virtue, and destroys Faith in Communities, and is the Source of cruel Jealousy. Had the Government of *New-York* been truly friendly to those Settlers, it had been return'd again ; and mutual Good Will supplied the Place of Hatred and Strife. But, alas ! so long as the Fee of the Country of the *New Hampshire* Grants is the Object in View, by the Government of *New-York*, how it is possible for Peace and good Order to take Place, can't well be conceived. Well would it be for that Government, and infinitely better for the Settlers under *New-Hampshire*, were they annexed to some other Government ; but they say, No. Quere, Why ? The Answer is easy. They would then loose Sight of the aforesaid desirable Object : Otherwise, surely they would be glad to part with such rebellious Subjects as they represent them to be. For the Truth no Doubt is, that they are in Hopes some better Fortune may in future, attend them. And that they can take and execute some of the leading Men among these Inhabitants ; and so frighten and impose on the Rest ; and finally, by this Means, avail themselves of their Estates and Property. This is all they can desire in continuing this Country under their Jurisdiction. That they have in Reality a View to this, will further appear, by some memorable Sentences recorded in the 25th Page of their Appendix. “ We may,” say they, “ readily conceive, that *Breakenridge*, “ and his Party, have abundant Reason to wish
 “ for

“ for an Alteration of Jurisdiction. The public
 “ Crimes, and private Wrongs which they have
 “ perpetrated, must make them look forward to the
 “ Hour of Tranquility, with the most anxious
 “ Apprehensions. The injured may then demand
 “ Satisfaction for all their Sufferings.-----An A-
 “ tonement must then be made to the Country,
 “ for the Violation of it's Laws.” Here the *New-*
Hampshire Settlers may read their intended Doom,
 in Consequence of the Ability of the Government
 of *New-York*. And one Reason why this Govern-
 ment have not already destroyed the Inhabitants of
 the *New-Hampshire* Grants, with Fire and Sword,
 is their Want of Ability; and this Inability, in
 great Part, consists in this, that the common Peo-
 ple in the Government, are universally of Opinion
 that the Inhabitants have a good Right to those
 Lands, and should not be molested in the peaceable
 Enjoyment of them; and consequently will not as-
 sist their Civil Officers, in taking Possession of their
 Tenements, or them as Rioters. That they are
 no further turbulent than what is necessary to de-
 fend their Persons and Properties, from the Cruelty
 and Monopoly of their Rulers. This is the
 Ground of all the Lenity, Forbearance and Indul-
 gence of that Government towards those Inhabi-
 tants; and it is hoped, if these excessive Favours
 should be passed over without their Thanks, they
 may yet be excused for the Neglect.

FURTHERMORE, those Gentlemen, after having
 thus spun out their in-fulcible Complaints, crown
 the Whole in Page 25th, “ That they, i. e. the
 “ *New-*

“ *New-Hampshire* Settlers, may in Nothing act out
 “ of Character, they have appointed *James Brea-*
 “ *kenridge*, (whom we have so often mentioned) a
 “ Fugitive from Justice, and who has rendered
 “ himself so obnoxious as to become the immedi-
 “ ate Subject of a Proclamation-----as one of their
 “ Agents.” What a monstrous Crime is here!--
 Has Mr. *Breakenridge* rendered himself obnoxious
 to Punishment in the Government of *New-York*?
 O strange! Such a *pacific* Government too!--But
 what has he done? He has never, (notwithstanding
 all their Insinuations) been active in any Riots (as
 they term them) occasioned by this Controversy;
 but is become the Subject of a Proclamation---yet
 still, what Evil has he done? As those Gentlemen
 have not obliged the Public with an Information,
 the Author can supply their Defect. This Gentle-
 man was one of the first Settlers on the *New-Hamp-*
shire Grants; and has had a great Share in the poli-
 tical OEconomy of that Country, is a Man of Probity
 and Stedfastness in Principle, and blessed with strong
 Power of Ponderation, and has gained, as well as
 merited the Esteem of these Settlers. He was by them
 chosen as Agent to represent their distressed Cause
 to the Right Honourable the Earl of *Dartmouth*,
 President of the Board of Trade; and also, to im-
 plore his Majesty to interpose his Royal Autho-
 rity, and relieve his oppressed Subjects.---He ap-
 proached his Lordship, with a Representation of
 the Conduct of the Government of *New-York*, to-
 wards his Constituents, and solicited his Lordship’s
 Aid and Assistance, in Behalf of the Sufferers.
 He was received with Expressions of Kindness,
 and

and when he had laid the Facts of the Cause before his Lordship, and substituted an Agent at *London*, and put the Cause in Readiness for a final Tryal, before his Majesty in Privy Council, returned to *America*; having done all Things to the great Satisfaction of his Employers.-----Since his Return from Great-Britain, he has made his Abode at his own House in *Bennington*, (which is not within Seventeen Miles of *Hudson's River*,) although "a Fugitive from Justice,"-----making further Preparations for the decisive Trial depending before his Majesty, and comforting the Inhabitants, with the Hopes of his most gracious Deliverance. These are the Things which have so exasperated the Government of *New-York*, against this good and worthy Man.

As THE Design of this Section was, in a concise Manner, to point out some of the most notorious Extravagancies of the Government of *New-York*, the Subject can't with Propriety be passed over, without taking a short Review of the forementioned Laws of that Colony, which are the most apparent Portraiture of their horrid Malevolence and Caprice. Passing these Laws, which are evidently calculated with a Design of extirpating the Inhabitants, by them Laws alluded to, from their goodly Land, nay, from the Face of the Earth; is no less than lavishly foaming out their own Shame; Laws that ought, and are contemned and disregarded by every Lover of Virtue. Laws and Society-Compacts were originally designed to protect the Subjects in their Property. Loyalty and Subordination to
such

such Government, is essentially necessary, for the Good of Society, and all good and liege Subjects will support such Laws and Legislators. But, as in the present Instance, when Laws, in their original Design and Administration, are degenerated from the good Ends for which Laws and Government were instituted, terminating in the Ruin and Destruction of the Society it should secure & protect; from the same Principles, viz. Self-preservation; the Subjects are obliged to resist and depose such Government. And, inasmuch as those Laws, together with some Remarks on them, are to be seen in the Narrative Part of this Performance, shall therefore conclude, with leaving the Reader, from his own Meditations, to pass such Sentence concerning this Matter as may appear reasonable.

S E C T I O N IX.

It may be of some Moment, towards the Close of this Treatise, to exhibit a Number of special Motives which induced those Inhabitants to prosecute Settlements on the controverted Premises. As,

FIRST, On the good Faith of his Majesty's Grants, by the Agency of the Government of *New-Hampshire*, the Validity of which has been sufficiently argued. And,

SECONDLY, by Engagement from a Proclamation by his late Excellency *Benning Wentworth*, which, for the more public Information, is here inserted.

Z

By

By His EXCELLENCY,
 BENNING WENTWORTH, Esq;
 Captain-General, Governor and Commander in
 Chief of His Majesty's Province of New-Hamp-
 shire, in New-England, &c.

A PROCLAMATION.

WHEREAS his Honor, CADWALLADER COLDEN, Esq; Lieutenant-Governor, and Commander in Chief of his Majesty's Province of New-York, hath lately issued a Proclamation, of a very extraordinary Nature, setting forth, that King CHARLES the Second, on the 12th Day of March, 1663-4, and the 29th June, 1674, did, by his several Letters Patent, of those Dates, grant in Fee to his Brother, the Duke of York, among other Things, all the Land from the West Side of Connecticut River to the East Side of Delaware Bay; and therein also set forth, and describes the Bounds of New-Hampshire; in which Discription there is a very material Mistake; besides, there is omitted the Fact, on which the Discription of New-Hampshire depended, viz. His Majesty's Determination of the North and Western Boundaries of the Province of the Massachusetts-Bay, in 1739. And nothing can be more evident, than that New-Hampshire may legally extend her Western Boundary as far as the Massachusetts Claim reaches, and she claims no more; but New-York pretend to claim even to the Banks of Connecticut River, although she never laid out and settled one Town in that Part of his Majesty's Lands, since she existed as a Government.

When New-York Government extends her Eastern Boundary, to the Banks of Connecticut River, between New-York and the Colony of Connecticut; and
 to

to the Banks of said River, between New-York and the Province of the Massachusetts-Bay, it would have been full early for New-York to declare that the Government of New-Hampshire was fully apprised of the Right of New-York, under the before recited Letters Patent to the Duke of York. In Virtue of the final Determination of the Boundary Lines settled by his late Majesty, between this Government and the Massachusetts-Bay, all the Lands capable of Settlements, have been erected into Townships, agreeable to his Majesty's Commands, and a considerable Revenue is daily arising to the Crown, unless interrupted and impaired by his Honor's Proclamation, which New-Hampshire will not be answerable for.

At present, the Boundaries of New-York, to the Northward, are unknown, and as soon as it shall be his Majesty's Pleasure to determine them, New-Hampshire will pay ready and chearful Obedience thereunto, not doubting but that all Grants made by New-Hampshire, that are fulfilled by the Grantees, will be confirmed to them, if it should be his Majesty's Pleasure to alter the Jurisdiction.

For political Reasons, the Claim to Jurisdiction by New-York, might have been deferred, as well as the strict Injunction on the Civil Power, to exercise Jurisdiction in their respective Functions, as far as the Eastern Banks of Connecticut River.

The said Proclamation carrying an Air of Government in it, may possibly affect and retard the Settlement of his Majesty's Lands, granted by this Government: For preventing an Injury to the Crown, of this Kind, and
to

to remove all Doubts that may arise to Persons holding the King's Grants, they may be assured, that the Patent to the Duke of York is obsolete, and cannot convey any certain Boundary to New-York, that can be claimed as a Boundary, as plainly appears by the several Boundary Lines of the Jerseys on the West, and the Colony of Connecticut on the East, which are set forth in the Proclamation, as Part only of the Land included in the said Patent to the Duke of York.

To the End therefore, that the Grantees now settled and settling on those Lands, under his late and present Majesty's Charters, may not be intimidated, or any Way hindered or obstructed in the Improvement of the Lands so granted, as well as to ascertain the Right, and maintain the Jurisdiction of His Majesty's Government of New-Hampshire, as far Westward as to include the Grants made :

I HAVE thought fit, by and with the Advice of of His Majesty's Council, to issue this Proclamation, hereby encouraging the several Grantees, claiming under this Government, to be industrious in clearing and cultivating their Lands, agreeable to their respective Grants.

AND I do hereby require and command all Civil Officers, within this Province, of what Quality soever, as well those that are not, as those that are Inhabitants on the said Lands, to continue and be diligent in exercising Jurisdiction in their respective Offices, as far Westward as Grants of Land have been made by this Government ;
and

and to deal with any Person or Persons, that may presume to interrupt the Inhabitants or Settlers on said Lands, as to Law and Justice doth appertain, the pretended Right of Jurisdiction mentioned in the aforesaid Proclamation notwithstanding.

Given at the Council-Chamber in Portsmouth, the 13th Day of March, 1764, and in the Fourth Year of His Majesty's Reign.

B. WENTWORTH.

By His Excellency's Command,
with Advice of Council,

T. ATKINSON, jun. *Secretary.*

G O D SAVE THE KING.

A THIRD and weighty Inducement to the Settlement of those Lands, was argued from his Majesty's express Order, prohibiting the Government of *New-York* from Granting any of those Lands in Dispute, which is as follows.

At a Court at St. James's, the Twenty Fourth Day of July, 1767.

P R E S E N T,

The King's most excellent Majesty.

Archbishop of *Canterbury*, Earl of *Shelborne*,

Lord Chancellor, Viscount *Falmouth*,

Duke of *Queensborough*, Viscount *Barrington*,

Duke of *Ancafter*, Viscount *Clarke*,

Lord Chamberlain, Bishop of *London*,

Earl of *Litchfield*, Mr. Secretary *Conway*,

Earl of *Bristol*, Hans *Stanley*, Esq;

“ His

“ His Majesty taking the said Report” *i. e.* a
 Report of the Board of Trade,-----“ into Consi-
 “ deration, was pleased with the Advice of his
 “ Privy Council, to approve thereof, and doth
 “ hereby strictly charge, require and command,
 “ that the Governor or Commander in Chief of
 “ his Majesty’s Province of *New-York*, for the
 “ Time being, do not, upon Pain of his Majesty’s
 “ highest Displeasure, presume to make any Grant
 “ whatsoever, of any Part of the Lands described
 “ in the said Report, until his Majesty’s further
 “ Pleasure shall be known concerning the same.

A true Copy,

WILLIAM SHARP.

Attest

GEO. BANYAR, Dep. Secr.

A FOURTH, and last special Motive for the carrying on, and extending those Settlements, was from a Report of the Lords of Trade, as follows,

EXTRACT from a Report of the Lords of Trade, to the Committee of his Majesty’s most Honourable Privy Council, for Plantation Affairs, dated December 3d, 1772.

“ UPON the fullest Examination into all the
 “ Circumstances which at present constitute the
 “ State of that District between the Rivers *Hud-*
 “ *son*, and *Connecticut*; out of which, the great-
 “ est Disorders and Confusion have arisen: It
 “ seemeth to us, that the principal Objects of At-
 “ tention in the Consideration of any Measures
 “ that

“ that can be suggested for restoring public Tran-
 “ quility, and quieting Possessions, are,

“ FIRST, Those Townships, which having been
 “ originally settled and established under Grants
 “ from the Government of the *Massachusetts Bay*,
 “ fell within this District, by the Determination
 “ of the Northern Boundary of that Province, in
 “ the Year 1740.

“ SECONDLY, Those Grants of Land, made
 “ within this District, by the Government of
 “ *New-York*, previous to the establishment of the
 “ Townships laid out by the Governor of *New-*
 “ *Hampshire*, after the Conclusion of the Peace;
 “ and which Land now lies within the Limits of
 “ some One or Other of those Townships.

“ THIRDLY, Those Townships, which having
 “ been originally laid out by the Governor of
 “ *New-Hampshire*, either continue in the same
 “ State, or have been confirmed by Grants from
 “ *New-York*, and also, those which have since o-
 “ riginated under Grants from the Latter of those
 “ Colonies.

“ WITH REGARD to those Townships which fall
 “ under the First of the abovementioned Descrip-
 “ tions; when we consider their Nature and Ori-
 “ gin, and the numberless Difficulties to which
 “ the original Proprietors of them must have been
 “ subjected in the Settlement of Lands exposed to
 “ the Incurfions of the Savages, and to every Dif-
 “ tress

“ tress which the Neighbourhood of the French
 “ in Time of War cou’d bring upon them; and,
 “ when we add to these Considerations, the great
 “ Reason there is to believe that the Grants were
 “ made upon the Ground of Military Services a-
 “ gainst the Enemy; we do not hesitate to Sub-
 “ mit to your Lordships our Opinion, that the
 “ present Proprietors of these Townships, ought,
 “ both in Justice and Equity, to be quieted in
 “ their Possessions : And, that all Grants whatso-
 “ ever, made by the Government of *New-York*, of
 “ any Lands within the Limits of those Town-
 “ ships, whether the Degree of Improvement un-
 “ der the original Grant had been more or less;
 “ are, in every Light which they can be viewed,
 “ oppressive and unjust : But as we are sensible
 “ that such subsequent Grants made by the Go-
 “ vernment of *New-York*, however unwarrantable,
 “ cannot be set aside by any Authority from his
 “ Majesty, in Case the Grantees shall insist on their
 “ Title; we submit to your Lordships, whether
 “ it might not be expedient, in Order to quiet the
 “ the original Proprietors in their Possessions, to
 “ propose that all such Persons who may Claim
 “ Possession of Lands within the Limits of such
 “ Townships under *New-York* Grants, should up-
 “ on Condition of their quitting such Claim, receive
 “ a Grant under the Seal of *New-York* upon the
 “ like Terms, and free of all Expences, of an e-
 “ qual Number of Acres in some other Part of
 “ the District lying between the Rivers *Hudson*
 “ and *Connecticut*; and in Case where any actual
 “ Settlement or Improvement has been made
 “ by

“ by such Claimants, that they should in such
 “ Case, receive Fifty Acres of waste Land for e-
 “ very Three Acres, they may have improved.

“ WITH REGARD to those Grants made by the
 “ Government of *New-York*, which fall within the
 “ Second Description, and upon which any actual
 “ Improvement has been made ; they do appear
 “ to us to deserve the same Consideration ; and
 “ that the Proprietors thereof ought not to be
 “ disturbed in their Possessions, whether that Im-
 “ provement be to a greater or lesser Extent : But
 “ we beg Leave to observe to your Lordships, that
 “ in both these Cases no Consideration ought to be
 “ had to any Claim, where it shall appear that no
 “ regular Possession has ever been taken, and no
 “ actual Settlement ever been made.

“ WITH REGARD to those Townships which fall
 “ within the last mentioned Description, we sub-
 “ mit to your Lordships our Opinion, That pro-
 “ vided such Townships do not include Land
 “ within the Limits of some antecedent Grant,
 “ upon which actual Improvement has at any
 “ Time been made, it would be adviseable they
 “ should be confirmed as Townships, according
 “ to the Limits expressed in the Grants thereof ;
 “ and that all Persons having Possession of any
 “ Shares in the said Townships, either as original
 “ Grantees, or by Purchase or Conveyance, and
 “ upon which Shares any actual Improvement or
 “ Settlement has been made, ought not in Justice
 “ to have been, or to be in Future, disturbed in
 A a the

“ the Possession of such Shares; nor ought they
 “ to be bound to any other Conditions, whether of
 “ Quit-rent or otherwise, than what is contained
 “ in the Grant.”

THESE Inducements are indisputably Authoritative, and need no Commentation: Yet notwithstanding the Priority and Preferance of the *New-Hampshire* Title to that of *New-York*, and the so many corroborating and concomitant Inducements to the Claimants under the former, to settle and cultivate those Lands; yet the Assembly of *New-York*, in sundry Parts of their State of the Right, &c. and more particularly through the Appendix, treat those Inhabitants, merely on Account of such Settlement, with the most extreme Injury; who, instead of arguing, only declaim against them, and go on in a Gradation of Consequences drawn from false Premises, till they have dragged them from their true Character of honest Men, to that of Usurpers, Rioters, and Felons. Although the Quotations from our Authors have already been lengthy, yet that a Precedent of their Injustice may not here be wanted, the following, from the third Page of their Appendix is inserted.

“ But though the same Principles have been
 “ explained, and enforced in several Acts and
 “ Proclamations of Government, as well as on repeated Trials in our Courts of Judicatory, they
 “ have left no suitable Impression on the contentious Claimants under *New-Hampshire*. On the
 “ Contrary, in Contempt of the Dictates of Justice,
 “ the Decisions of Law, and the civil Authority;
 have

“ have their Encroachments, which were few in
 “ Number at the Time of the royal Determinati-
 “ on, been increased and extended in a tenfold
 “ Proportion ; and that in general by Men,
 “ who cannot plead that they were deceived or ig-
 “ norant of the Nature or Merit of their Claim,
 “ which it appears, were too notorious to have ef-
 “ caped their Observation, but who in spite of e-
 “ very Warning and Remonstrance to deter them,
 “ which human Prudence could devise, engaged
 “ as Volunteers on the Side of *New-Hampshire*, and
 “ wilfully plunged themselves into the Controver-
 “ sy. To extenuate their own Indiscretion & Miscon-
 “ duct, Calumny & Misrepresentation are their on-
 “ ly Resource ; and accordingly without the least
 “ Reason, they charge the Government of *New-York*
 “ with Partiality, and every Land-holder under it,
 “ upon whom they have trespassed, with Injustice &
 “ Oppression ; asserting, that because they have
 “ sanctified their Claim by a wrongful Possession,
 “ they ought peaceably to enjoy the Fruits of their U-
 “ surpation. To fortify their Pretensions they have
 “ spared no Art or Act of Violence, however
 “ Criminal ; and after all, as if they were really
 “ injured, and the Objects of Regard, they do not
 “ hesitate to carry their Complaints to the Throne,
 “ and by special Agents to solicit some extraordi-
 “ nary Act of Favour, by which their Offences
 “ may be passed over with Impunity, and their
 “ Encroachments perpetuated in Prejudice to
 “ those who enjoy a clear Title from the Crown,
 “ under the Great Seal of *New-York*.”

As

As this clamorous Quotation is already mostly answered, shall only remark, as to those Settlers extending their Encroachments in a ten-fold Proportion, since the Royal Determination. It hath been fully evinced that this Determination respected Jurisdiction only, and the before recited Royal Order and Report of the Board of Trade, were accounted sufficient to exclude all manner of Doubts in the Minds of the *New-Hampshire* Claimants of the Validity of their Title. They truly cannot plead that "they were deceived or ignorant of the Nature or Merit of their Claim." This Matter was elucidated by the highest Wisdom and Authority in the Nation; they rejoice in the Clemency of their Sovereign, and in the Wisdom and impartial Justice of the Honourable Board of Trade, exhibited as aforesaid, upon which Encouragement those Claimants have greatly extended Settlements on those Lands, in a more special Manner on Onion River, and Lake Champlain, between the Township of Panton, which abuts on the Lake opposite *Crown-Point*, and the said River, and North of it almost to the Forty-fifth Degree of North Latitude, and preparations are vigorously making to extend these Settlements to the very Bounds of the Province of *Quebec*. It is seldom any new Country Settles with such Rapidity, notwithstanding the Oppositions they meet with from the Government of *New-York*: The Expence of clearing Roads, building Mills, Moving to and settling in that Wilderness Country only for Two Years last past, would amount to no very inconsiderable Sum. And those Settlers from the foregoing

going Reasons, do not in the least hesitate, but that they in so fulfilling the Conditions of their Charters, have and are acting agreeable to his Majesty's Will and Pleasure; and that those Labours will not only be for their own Emolument, but for the Enlargement of the British Empire, and Addition of the Crown Revenue.

THE Assembly of *New-York* have been very particular in their History of the Tumults and Riots made by those Settlers, in Opposition to that Government, (many of which Facts must be confessed to be true) though they have carefully omitted their manifold Provocations, yet, with all their Particularity have given but a very imperfect Idea of those Transactions. I shall here, therefore, waving particulars, give a general Review of the Œconomy of those Settlers in their Oppositions to that Government. For defending their Properties, they were indicted Rioters, the next Thing was to defend Rioters; then they had two Objects as the Subjects of their Protection, viz. their Persons, as well as Property: They were at First greatly intimidated at the empty Appearance of Law, that their Opponents were so conversant with, sometimes despairing of maintaining their Possessions; yet upon Extremity, rather than quit their Substance to the insatiable Ravishers, would rally and frustrate their Designs: Thus, when the Sheriff of the County of *Albany* with his Posse came to dispossess some of them, they most generally, boldly took up Arms, and appointed Leaders. Matters having come to this, not long
after

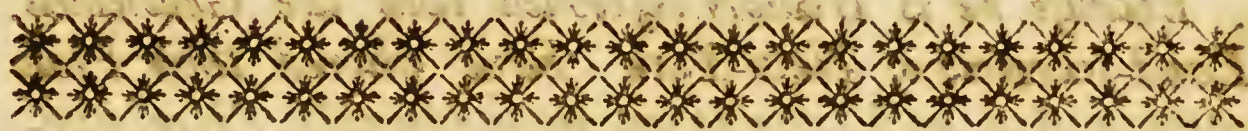
after, the Inhabitants assembled and appointed Committees of Safety in the several Towns throughout their Settlement; this general Committee have the conducting of the Public Affairs of the Country for its Security, 'till his Majesty settles the Controversy. They have erected several Companies, which by the Votes of the Soldiers are furnished with Officers; these Companies form a Regiment which are known by the significant Character of GREEN-MOUNTAIN BOYS, who are generally in the Prime of Life, well versed in the Use of Fire-Arms, and of robust Constitutions; probably no American Regiment in an interior Defence could excel them, or that would willingly contribute more to the Support of the Crown of *Great-Britain*; for it is observable, that such Subjects that will not fight for their Property, will never fight for their King: And, the general Instructions from the Committee, ever have been, not to act in any thing against the Government of *New-York*, but on the Defensive.

It is in the Nature of Things impossible to pass a right Judgment on the Conduct of the *New-Hampshire* Settlers, without taking into View the Treatment of the Government of *New-York* towards them. All Cases must be determined upon the peculiar Circumstances attending; no Act can scarcely be conceived of which, under certain attending Circumstances might not be lawful. It will be readily admitted on the Part of those Settlers, that, provided the Government of *New-York*, and its Patentees have a clear and incontestible Right to those

those Lands ; and that they are Intruders, and by Force and Violence have maintained such Encroachments, then, they are truly guilty, in manner as the Assembly of *New-York* have alledged: But on the Contrary, if those Settlers have a legal and incontestible Right to those Lands, that they prosecute Settlement on the good Faith of that Title, and the sundry Approbations of both their Title and Settlement from the British Administration; then, they are not guilty in Manner as those Gentlemen have declared; and the impartial Public, instead of viewing them as Usurpers, Rioters and Felons, will justify them in their Conduct, and esteem them as good Members of Society, leige Subjects to the Crown of *Great-Britain*, and good Soldiers for defending their Persons and Properties.

Thus, is humbly submitted the State of the Controversy, which has for many Years subsisted between the Government of *New-York* and the Settlers under *New-Hampshire*; by impartial Justice must every Act stand or fall; if those Settlers are in the wrong, they are criminally so, but if not, then the Allegations of their Opponents will be adjudged as futile and cruel.





INTRODUCTION, TO THE APPENDIX.

WHEREAS the French Government of Canada have made sundry Grants of some of the most valuable Part of those Lands in Dispute, between the Government of New-York and the Claimants under New-Hampshire on the Easterly Side of Lake Champlain, and even to the Southward of Crown-Point. And whereas the General Assembly of the Colony of New-York, in their State of the Rights of that Colony, so far as concerns the French Grants aforesaid, have very ingeniously confuted the French Claim to those Lands; shall therefore subjoin it as an Appendix to this Treatise, inasmuch as the same Arguments equally Support the New-Hampshire Claim against that of the French, as they do that of New-York.---There were several Reasons which induced the Author to make Use of this Appendix.

Firstly, Because he is not acquainted with many of the Historical Facts, on which the Arguments therein Contained are founded.

And,

Secondly, From the Consideration that he cannot Argue so well. And a Third and special Reason is,

B b

Because

Because he is credibly informed that the Gentlemen Land-schemers of New-York have altered their Plan of Operation, and have at an inconsiderable Price, purchased the greatest Part of the French Claim to corroborate their own subsequent Patents, and by that Means to avail themselves of an antecedent Claim to that of New-Hampshire; and that their present Scheme is to be silent at the Court at Great-Britain, with Respect to their Claim under New-York, and carry on the Dispute in the Name of the French Barons, hoping by this Stratagem to procure to themselves the Fee of those Lands which the French Grants cover; and frustrate and Dispossess the Claimants and Settlers under New-Hampshire, which are seated on the Lands the French Grants include, to the Number of about Three Hundred Families, and on which there is not a single Settler under either the French or New-York Claim. And inasmuch, as the Chain of Arguments predicated on undeniable Facts, and exhibited in the following Appendix, of which this is an Introduction, are abundantly sufficient to invalidate the French Claim, the Author therefore takes a peculiar Pleasure in turning the Artillery of the Assembly of New-York against themselves, in full Confidence that, that Assembly cannot, by Reason and Argument, gainsay what they have thus exhibited with the Help of any French Cunning whatsoever. And provided the Assembly of New-York had published the following Appendix, with a friendly Design towards the New-Hampshire Settlers; that Assembly would have merited their grateful Acknowledgements; but though their Design at that Time was to defeat the French Claim to establish their New-York Patents, nevertheless it seems a good Providence hath made Use of the learned Abilities and evil Inten-

Intensions of the Gentlemen of that Assembly, which those Settlers dreaded as their greatest temporary Evil to be conducive to their greatest temporary Good.

Altho' the Arguments contained in the Appendix, to be hereafter inserted, are full and compleat against the French Claim, they are nevertheless somewhat incumbered with meer imaginary Notions, relative to the prodigious and antient Northern Extention of the Colony of New-York, even to the River St. Lawrence. They indeed ascertain and vindicate the Right of the Crown of England to those Lands, and then on fictitious Principles assume the Right of that Colony to be co-extensive with that of the Crown. Now the Reader will with a little Attention, discern that Arguments relative to the French claim, do not at all depend on the aforementioned Extention of the Right of the colony of New-York, or of any of his Majesty's colonies: Meerly the Right of the crown to that Extention of Territory is abundantly sufficient to nullify and make void the French claim. Undoubtedly those Lands granted by the French Government of Canada, adjoining to Lake Champlain were crown Lands when usurped and granted by the French, and continued so to be till it was granted by his Majesty's English Government of New-Hampshire. But of this enough has been already animadverted. The Dispute between New-York and New-Hampshire is committed to the Publick consideration. What remains in this Introduction to the Appendix is only to point out to the Reader that such Part of the Arguments, or rather Representations, therein contained as assume a colony Right to those Lands, are foreign to the Point in Issue, in the Dispute of the French claim; the same may be said, provided

vided the Government of New-Hampshire assume a particular colony Right of their's to the same Premises. Such Arguments may truly affect the colonies of New-York and New-Hampshire, but by no Means affect the Issue in Dispute relative to the French claim, inasmuch as the Right of the Crown of England to those Lands precludes the French claim intirely. Therefore such colony Arguments as may be found interspersed in the following Appendix are only Digressions from the Point in Issue, but cannot any Way affect the Arguments which centre in that single Point. Those Digressions are also virtually answered in the foregoing Discourse.



A P P E N D I X,

Transcribed from the Assembly of *New-York's*
State, &c. Verbatim.

A S T A T E

Of the Rights of the Colony of *New-York*, so far
as concerns the Grants formerly made by the
French Government of *Canada*, of Lands on *Lake*
Champlain, and at and to the Southward of
Crown-Point.

THE Whole intermediate Coast between *Mar-*
tha's Vineyard and the first Settlements in
Virginia, remained entirely unknown 'till *Hudson's*
Discovery in 1609, when it began to be minutely
explored, and the Bays, Rivers, Islands, and
Creeks, distinguished by Name.

Hudson's River was again visited in 1610, and
the following Years, by *Dutch* Ships, with a Grant
under the States General for an exclusive Trade;
and the Coloy which they denominated *Nieuw*
Nederlant, advanced with such Rapidity, that in
1612 they had a Town and Fort in *New-Amster-*
dam, now *New-York*; and in 1615, another Town
and Fort at *Aurania*, now *Albany* 160 Miles up
Hudson's River.

In 1623, they erected Fort *Good Hope*, on *Con-*
necticut River, and upwards of Thirty-five Miles
from its Mouth. Near to this ancient Fortress
the Town of *Hartford* has since been built under
Connecticut, but it is indisputable that the *Dutch*
actually enjoyed the exclusive Possession, Trade,
and

and Advantage of the whole River, long before it had been approached by any *English* Subject; and that they claimed and considered all the Country to the Westward of *Connecticut* River, and as far Northward as the River *St. Lawrence*, as Part of their Colony of *Nieuw Nederlandt**.

IN 1663-4, King *Charles* the Second, granted to his Brother *James*, Duke of *York*, the District of Country comprehending *New-York* and *New-Jersey*, which were Territories possessed by the *Dutch*.

IN that Year the *Dutch* were subdued by an Armament from *England*. By the Articles of Capitulation, the Rights and Estates of all the Inhabitants were secured to them.

IN 1673, the Country was again surrendered to a *Dutch* Fleet, but in 1674, by Treaty between the two Nations, the *Dutch* ceded all their Claim to this Country, to the Crown of *England*.

IN the same Year King *Charles* the Second, to remove all Doubts which might have arisen concerning the Validity of his first Grant to the Duke, on Account of the intermediate Conquest by the *Dutch*, confirmed the same Territories to his Royal Highness

* See *Ogilvy's America*, published in 1671, and the Map at Page 168, Sect. *Nieuw Nederlandt*; where this Country is called *Nova Belgica*, five *Nieuw Nederlandt*; and the River itself is called *Rio St. Lawrence*, DE GROUTE RIVIER VAN NIEUW NEDERLANT.

See also *Blaev's America*, Vol. xi. published at *Amsterdam* in 1662, and his Map inscribed *Nova Belgica*, et *Anglia Nova*.

Highness by a new Grant. There can be no Dispute but that by the Words of the Duke's Grant, the Province of *New-York* was to have an Eastern Extent to *Connecticut* River. That River takes it's Rise to the Northward of the 45th Degree of North Latitude, and consequently beyond the Boundary lately established between *New-York* and *Québec*, by his Majesty's Royal Proclamation of the 7th Day of *October* 1763.

ON this Principle we have always claimed, under the Royal Grant, as the just and ancient Right of this Province, All the Country which lies to the South of West Line drawn from the Head of *Connecticut* River; except so far as it interferes with the Colony of *Connecticut*, with which a Settlement was made in 1683, by Commissaries of both Provinces, under mutual Acts of Legislature, and which was confirmed by King *William*.

BUT we have a further Title to the Country as far Northward as the South Side of the River *St. Lawrence*.

THE *Dutch* on their first Establishment here, made a Treaty of Peace and Alliance with the Five Nations, called by the *French* the *Iroquois*. These warlike Tribes were the Conquerors and Masters of a great Part of *North-America*, holding all the Natives in Subjection, from the River *St. Lawrence* down to *Georgia*.

WHEN the *English* became possessed of *New-York*, they also made an Alliance with the Five Nations, who

who afterwards, in the most express Terms, subjected themselves to the Crown of *England*, under the Government of *New-York*; and however wild and untractable, were always treated as Subjects by this Government.

THE Country as far Northward as the River *St. Lawrence*, and Westward without any known Limits, was their undoubted Property*; this Government has consequently considered it as Part of the Province of *New-York*.---The Lands on the West Side of *Connecticut River* by a double Title, ---the Grant to the Duke of *York*, which expressly includes it, and the Right acquired by the Subjection of the native Proprietors.

THE

* That the Country as far North as the River *St. Lawrence*, belonged to the *Iroquois*, or Five Nations, is proved by all the ancient Maps and Histories. In the Map inscribed *Nova Belgica, et Anglia Nova*, published in xi Vol. *Geographiæ Blavianæ*, in 1662, *Lake Champlain* is called *Lacus Irocoiensis*, and the Country on the East Side of the Lake is called *Irocoisia*.

In *Johannes Van Keulen's Atlas*, published at *Amsterdam* in 1720, the River *St. Lawrence* is called *Rio des Iroquois ou de St. Lawrence*, and the Country on the South of that River and West of *Lake Champlain*, *Iroquois*, and the Lake itself *Lac Champlain ou mere de Iroquois*.

Ogilby in his *America*, says one of the great Lakes is called the Lake of *Iroquois*, which together with a River of the same Name (*Sorrel* by the *French*) falls into the River of *Canada*. He adds, that the *French* having, in early Times, sided with the *Algonquins*, against the *Iroquois*, have been so hated by them ever since, that none of them durst ever appear again in any Part of the Lake. *Ogilby* 166.

The Five Nations formerly lived near the Place where *Montreal* now stands. In 1672 the *French* Governor *Monsieur De Frontenac*, persuaded them to allow him to build a Fort on the North Side of *Cadaraqui Lake*, under Pretence of a Store for Merchandize. *Colden's History Five Nations*, Page 21, 24.

THE Crown, by a Participation in numberless Acts of Government, has justified our Right and Jurisdiction over these Countries. And it is remarkable that no single Commission, Instruction, or Act, either of our own or from Home, 'till the late Proclamation, had the least Tendency to alter or infringe such Jurisdiction; but it solely rested on the Basis we have mentioned.

THAT the Crown considered the Five Nations, and their Country, to be under it's Subjection,† and that the *French* could have no Claim to either, is manifest from the fifteenth Article of the Treaty of *Utrecht*, ‡ confirmed by that of *Aix-La-Chapelle*; stipulating that the Subjects of *France*, Inhabitants of *Canada*, and elsewhere, shall not disturb or molest in any Manner whatever, the Five *Indian Nations*, which are subject to *Great-Britain*, nor its other American Allies. And that it was well understood both by the Crowns of *Great-Britain* and *France*, that the *English* Right and Claim did extend as far Northward as the South Part of the River *St. Lawrence*, including the Lakes which discharge themselves into that River, clearly appears from the several Proposals and Conferences of the Ambassador from the Court of *Versailles*, with the British Ministry in 1756, on the Subject of a Suspension of Hostilities, and a Convention for the amicable Termination of the Differences between the two Crowns; at the Close

C c

of

† That the Five Nations became Subjects of *England*, and put themselves under it's Protection, appears from many of their Treaties.---Vide *Golden's History*, Page 53, 54, 62, 80, 139.

‡ The Treaty of *Utrecht* 11th April, 1713.

of which *France* demanded, as a previous Condition, that his Britannick Majesty should desist from three Points, which made a principal Part of the Subject in Dispute; the first of which was “ The “ South Part of the River St. Lawrence, and the “ Lakes that discharge themselves into that River.” || The Refutation and Rejection of this extraordinary Claim, occasioned the sudden Departure of the *French* Ambassador, and the Declaration of War, which followed soon after.

THIS Government has given the most solid and authentic Proofs both of Possession and Jurisdiction, which the Subject could admit of, and nothing but the dangerous Neighbourhood of *Canada*, and their Intrigues with the Savages, (which often deluged this Frontier Part of the Province in Blood) has prevented it's actual Cultivation and Improvement.

So long ago as 1696, a Grant passed the Great Seal of this Province to *Godfrey Delli*, for a Tract of Country extending from the North Bounds of *Saraghtoga*, (which lies on *Hudson's* River thirty four Miles North of the City of *Albany*) to the Rock *Rosian*, a Station indisputable, and which is well known to lie on *Lake Champlain* upwards of twenty Miles to the North of *Crown-Point*; and extending twelve Miles East from *Hudson's* River, and the same Distance East from the Wood-Creek, and the Waters to the Northward. Nor ought it be unobserved, that such was the Value and Importance of this Tract of Country, even at that early Day,

|| Vide *Entic's* History of the late War, Page 228. War was not proclaimed by *England* 'till the 18th of May, 1756.

Day, that the Legislature conceived the Grant of it to be too great a Favour to one Subject, and passed a Law in the Year 1699, repealing it as extravagant.¶

FORMERLY, and before the Year 1731, we had a Trading-House at Crown-Point, where our Traders occasionally resided; for it was not 'till that Year that the Canadians, in profound Peace, invaded this frontier Part of the Province, and erected Fort *St. Frederick* at Crown-Point, which has been the Occasion of an almost uninterrupted Series of Contention and Bloodshed. As it secured them the absolute Command of the Lakes, and facilitated their In-roads not only into this but the neighbouring Colonies of the *Massachusetts-Bay* and *New-Hampshire*, nothing could be more alarming; and no sooner was it communicated than our House of Assembly, in order to obtain Relief, and the King's Directions, addressed the Commander in Chief to represent to his Majesty or his Ministers, these Encroachments, and the fatal Consequences they must be attended with.*

A COMPLAINT was accordingly transmitted to Sir *Robert Walpole*, but it made so little Impression on that Minister, that our Government was left without the least Direction from their Superiors; and conceiving an attempt to oppose or dislodge the *French* (which probably must have drawn upon them

¶ Laws of *New-York*, 1 Vol. Page 35.

* Journal of the General Assembly of *New-York* Vol. 1, Page 632.---Also Minutes of the Privy Council of *New-York*, in 1731.

them the whole Power of Canada) to be too hazardous an Undertaking, without the Authority or Assistance of the Crown, this important Pass was left in the Hands of our Enemies.

BUT tho' we were at that Time unable to do ourselves Justice, it was not only the Opinion of this, but of all the neighbouring Colonies, that the Erection of the Fort at Crown-Point was a dangerous Encroachment; and that the common Interest demanded that proper Measures shou'd be adopted to secure the Colonies against the Mischiefs to which it exposed them.

ACCORDINGLY in 1755, and before the Declaration of War, this Colony, in Conjunction with the *Massachusetts-Bay* and Connecticut, formed a Plan for erecting one or more Forts on his Majesty's Lands at or nigh Crown-Point, and the Troops were raised accordingly,† but War being soon proclaimed, our Operations became more extensive.

IN short, on the Principle that it was unquestionably a Part of the British Dominions within this Colony, the Government both at home and here, have ever considered the Occupancy of Crown Point by the *French*, as a perfidious and dangerous Encroachment, which in Effect was one of the principal Causes of both of the last Wars. These Remarks justify an Inference of the utmost Moment in the present Controversy, *to wit*, That as it was an ancient Right of this Colony, coeval with

it's
† Journal of the General Assembly of *New-York*, 2 Vol. Page 440.

it's first Plantation by *English* Subjects, to extend even further Northward than the Latitude of 45 Degrees, to which it is now restricted, his Majesty's Proclamation, instead of enlarging our Limits, (as has been understood by some, who have not considered the Subject, and pretended by others whose Interest it is to misrepresent) does in Fact considerably abridge it, operating as a Confirmation of our original Title up to the Line it establishes; and as an Extinction of Jurisdiction beyond it (*to wit*) over the Lands between that Latitude and the Head of Connecticut River, or more properly the River *St. Lawrence*, our old Boundary.

It is true that since the Year 1731, the *French* by maintaining Forts and strong Garrisons at Crown-Point, Tieonderoga, &c. have deprived us of the Enjoyment of the Country to the Northward of *Albany*; nor was it possible to extend our Plantations, perpetually exposed to the Ravages of a most cruel Enemy, 'till on the Approach of Sir *Jeffery Amherst*, with the English Army in 1759, the *French* abandoned both their Forts and their Settlements.---These last were very few in Number, and all of them in the Neighbourhood of Crown Point and Tieonderoga; which having been intended by the *French* as Places of Arms, to annoy and distress this Colony the more effectually, no Cultivation had taken place but for the meer Convenience of their Garrisons. Sir *Jeffery Amherst* apprehensive of the bad Consequences of Canadian Settlements on the Banks of Lake Champlain, pro-

prohibited them, nor have they to this Moment been re-established.

THE Capitulation granted by the *English* General to the Inhabitants of Canada, on the Conquest in 1760, stipulates, “ *That the French, in the whole*
 “ *Extent of the colony of Canada, shall preserve the*
 “ *entire Possession and Property of their Goods, noble*
 “ *and ignoble, moveable and immoveable; and shall*
 “ *have Liberty to keep, let, and sell them, as well to*
 “ *French as to the English.*”

By the first Article of the definitive Treaty of Peace between *Great-Britain, France, and Spain*, in 1763, “ *His most Christian Majesty cedes and guaran-*
 “ *ties to Great-Britain, Canada and all its Depend-*
 “ *cies.*” His Britannick Majesty, on his Side, agrees, “ *That the French Inhabitants of Canada*
 “ *may retire with all Safety and Freedom, wherever*
 “ *they shall think proper, and may sell their Estates, pro-*
 “ *vided it be to the Subjects of his Britannick Majesty,*
 “ *&c. The Term limited for this Emigration shall be*
 “ *fixed to the Space of eighteen Months, to be computed*
 “ *from the Day of the Exchange of the Ratification of*
 “ *the present Treaty.*”

NOTHING seems more obvious than that the Security given to the Canadians, both by the Capitulation and the Treaty, was confined to the Limits of the Colony of Canada; nor any Thing more absurd, than to suppose it should extend to a Part of the Country which the *French* had perfidiously usurped, and which they had only within the Compass of a few Years granted to the Canadians, to further their Encroachments. THE

THE Government of *New-York* therefore, independent of his Majesty's late Establishment of our Boundary with *Quebec*, could not but consider all the Country on both Sides of Lake Champlain, as unquestionably within it's just and ancient Limits and Jurisdiction.

THAT the Canadian Grants can never be justified by a meer Encroachment, nor derive Stability or Confirmation either from the Capitulation or the Treaty, was not only the Opinion here, but also of his Majesty and his Ministers.

IN Pursuance of the Proclamation of the 7th Day of October, 1763, Sir *Henry Moore*, and Col. *Carleton*, the Governors of the two Provinces, in the Month of September 1767, fixed the Place of the Latitude of 45 Degrees, by actual Observation, near the North End of the Lake. On the 12th Day of August 1768, his Majesty was pleased to declare his Approbation in Privy Council, and to direct in favour of his new Canadian Subjects,

“ *That nothing in the Order of that Date contained,*
 “ *should affect the Property of such as had Possessions*
 “ *under proper Titles in Lands on the South Side of the*
 “ *Line, the Dominion of which was not disputed on the*
 “ *Part of the crown of Great-Britain; and that the*
 “ *said Determination should not operate wholly to de-*
 “ *prive them of such concessions on the South Side of the*
 “ *said Line whereon they had made actual Settlements*
 “ *and Improvements, altho' the said Line might have*
 “ *been disputed by the crown of Great-Britain, but*
 “ *proportioned to their Improvements at the Rate of*
fifty

“ fifty Acres for every three that were improved ; pro-
 “ vided that Grants should be sued out under the Seal
 “ of New-York, subject to the usual Quit-Rents, and
 “ that a Grant to one Person should not exceed 20,000
 “ Acres.

LORD Hillsborough, in a Letter to Sir Henry Moore
 our late Governor, on this Subject, of the 25th of
 February 1768, expresses himself as follows. “ Your
 “ Letter to Lord Shelbourne, No. 5, which relates to
 “ the claim of his Majesty’s American Subjects, to
 “ Lands on that Part of Lake-Champlain which is
 “ now a Part of the Colony of New-York, has been
 “ referred to the Lords of Trade, and their Lordships
 “ having made a Report to his Majesty thereupon, it is
 “ his Majesty’s Resolution, upon the fullest Considerati-
 “ on, not to allow any Claims made upon the Ground of
 “ ancient Grants from the Government of Canada, is
 “ Lands which were never acknowledged to belong of
 “ Right to the Crown of France.

“ His Majesty has a most tender Regard to the Rights
 of his new Subjects, and is desirous of giving every pro-
 per Testimony of his Attention to their Interest and Wel-
 fare, and therefore it is his Majesty’s Pleasure, that they
 should not be disturbed in the peaceable Possession of any
 Tracts so circumstanced, WHICH THEY HAVE ACTUAL-
 LY SETTLED AND IMPROVED ; provided they consent to
 establish their Titles under the Seal of the Province of
 New-York, upon the usual Conditions of Quit-Rents
 and Improvements.”

CONFORMABLE to these Sentiments, a Royal
 Mandamus, directed to the Governor of New-York,
 on

actually issued upon the Report of the Board of Trade, and by the Advice of the Privy Council, on the 11th Day of *January* 1769, requiring him to lay out for, and grant to *Charles De Fredenburgh*, Esq; in one contiguous Tract, 30,000 Acres of Land; which is expressly described in the said Royal Order or Mandamus, to lie on the West Side of *Lake-Champlain*; beginning from a certain Point opposite to the Island *Valceur*, including *Sarenac* River, on both the Banks, as far as the Highwaterfall, the Land, Beech and Creek; and including also, the whole Point of *Cumberland Bay*, commonly *Squinanton* or *Cumberland Head*.

THIS Tract is likewise laid down on the Map, and actually includes a great Part of two of the Seigniories which are the Object of this Dispute. *

THE Title of this Province, in Right of the Crown, to all the Country to the Southward of the River *St. Lawrence*, ('till his Majesty's Proclamation, and since that Act, to the Southward of the 45th Degree of Latitude) being thus clearly established, it cannot be wondered at that after the Peace was restored, our Government proceeded to the Grant and Settlement of the Lands to the Southward of this last Boundary, without the least Scruple.

His Majesty having been pleased by his Royal Proclamation of the 7th Day of *October* 1763, to assign to the reduced Officers and disbanded Soldiers, who had served him so gloriously in *America*, each a Quantity of Land for their more comfortable Subsistence,

* See Map No. 1

sistence, and as a Reward for their Service; and having left to them *the Right of Election*, out of any Part of the different Colonies which remained vested in the Crown, they in general applied to this Government for Patents, locating their several Lots along the East and West Sides of *Lake Champlain*, on the *Wood Creek*, and at and to the Southward of *Crown Point*.

THERE were several Reasons which induced them to fix, and the Government to grant, in this Part of the Country.

It had been the Scene of War, and they were well acquainted with it. They seemed to have a peculiar Right to be provided for, out of the immediate Fruits of their Victories; and above all, the rest of the Province which remained unappropriated, belonged to the Native Occupants, and could not be patented without a previous Purchase from them: A Condition with which most of the Officers, and all the Soldiers, were unable to comply. Under these Circumstances they were chiefly gratified by Grants of the Lands first mentioned, and the Country adjoining to the Southward and Eastward, after being put to great Trouble and Expence in the Discovery and actual Survey of their respective Allotments. Many Grants have also been made to the Inhabitants of the Colony in the same District, which, as far as they concern this Controversy, are laid down in the annexed Map.†

THE Canadian Grants cover a great Part of the Country

† See Map No. 1

Country along both Sides of *Lake Champlain*, not only to *Crown Point* but several Miles to the Southward. They include the Whole, or chief Part of ancient Grant to *Dellius*; which has since been parcelled out among the Military. They are numerous, large in Extent, but unattended (except in very few Instances) with the least Improvement or Possession.

THEY all originated at, and since the Time of the *French* Encroachments at *Crown-Point* in 1731, and several of them are so late as the Years 1757, and 1758: A Period when we were actually at War with *France*, concerning these very Lands!

THE Number and Extent of these Grants, and how destructive it must prove to the Rights of the King's Military Subjects, as well as to others, to give them the least Countenance, will be seen by a View of the annexed Map and the Notes which accompany it. ||

ON this Subject we are furnished with two Petitions, the one presented to his Majesty by several Persons whose names do not appear in the Copy; the other to the Lords of Trade, by Monsieur *De Lolbinier*.

THE Merits of these Petitions are founded, 1st. On an Assertion that the Lands in question lie within the ancient Bounds of *Canada* as peaceably possessed for many Years by the *French*, and have only been added to the Colony of *New-York* by the King's

King's Proclamation. 2d. On the Article of the Capitulation and Treaty of Peace before taken notice of. 3d. On the *actual Improvements and Possession* of the Petitioners or their Grantors. 4th. On their having, in many Cases, paid the Governor of *Quebec*, the Quint or fifth Part of the original Purchase Money of their respective Seigniories, and done Faith and Homage, and having been put in full Seisen in the King's Name. 5th. On the Hardship of their having been turned out of Possession, by Titles granted under *New-York*, and being further threatened with the same Distress.

We have anticipated the three first of these Assertions. 1st. *Crown-Point*, nor any of the Lands Southward of the River *St. Lawrence*, were ever a Part of *Canada*, but rightfully belonged to the King of *Great-Britain*, as within his Province of *New-York*, and as the Country of the Five Nations his Subjects; nor were they ever in the *peaceable* Possession of the *French*. They were invaded in Time of profound Peace, with an armed Power. they were held by the same unjustifiable Means. They were the Source of perpetual Contention and Bloodshed between the Provinces of *Canada* and *New-York*. They were a chief Occasion of two bloody Wars between the Nations. Can this be called a *Title or a peaceable Possession*? 2d. We have shewn that neither the Articles of Capitulation, nor the Treaty, can serve the Purpose of the Claimants. The Capitulation can only apply to what the *French* had a Right to, and not to what they had unjustifiably seized; and as to the Clause of the

the Treaty, it only gives leave to the *French* Subjects to sell their Estates in *Canada*, but does not confirm or concern *disputable*, and much less *tortious and fraudulent Grants*, founded in Breach of Faith; nor can it create a Right which had no prior Existence. Besides, this is a Point which the Crown has already solemnly determined, and it is presumed there can be little danger of the Change of a Resolution grounded on the clearest Dictates of Reason and Justice. 3d. As to the third Particular, actual Possessions and Improvements by the Canadian Claimants and their Grantors, it is denied that any such (worthy of Consideration) have ever been made.

Crown-Point was a Place of Arms, and so was *Tieonderoga*. These important Passes the *French* forfeited to facilitate their Hostilities against *New-York*, and not for the Sake of Cultivation; accordingly on the Conquest of the Country, few *French* Improvements were found, and those within a narrow Compass about the Forts, and for the Convenience of their Garrisons. With these inconsiderable Exceptions, the Country was a desolate Wilderness all along on both Sides of the Lake. 4th. As to the Payment of the Quint or fifth of the original Purchase Money of their respective Seigniories, and their having been put into full Seisen in the King's Name; the Canadian Claimants have pointed out no Instances. We may however, venture to affirm that this Assertion, if it relates to the Lands on the South Part of *Lake-Champlain*, cannot be supported; nor, with respect to the rest,

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is it to be presumed that a Governor or any Crown Officer of *Quebec*, would interfere with the Lands or Affairs of the Colony of *New-York*. If such Acts have been performed, in any single Instance, we suppose it concerned Lands near the North End of the Lake, and was only calculated to give some Colour and Countenance to a Claim so groundless : Be it as it may, this Government (which only could rightfully interpose) has had no Agency in any such Acts, and they must therefore be considered as of no Validity. 5th. The fifth Suggestion, ---the Hardship of their having been turned out of Possession by Titles granted under *New-York*, and being further threatened with the same Distress, --- is also without Foundation. No *French* Claimant has been evicted, nor has a single Suit of any kind been prosecuted against them. Indeed there could be no Room for it, for as we before observed, since they abandoned their Forts and Settlements, in 1759, there has been no Attempt to re-establish them. Some transient People from that Colony, have been employed on the Lakes in the Lumber Trade, (either with Leave of the *New-York* Proprietors, or as mere Trespassers) but we have no Proof of a single Improvement or Possession, *since the War*, under a Canadian Grant.

BESIDES all these Objections, it is worth a Remark, that the Petitioners ask what is improper in itself, and, as we humbly conceive, out of the Power of the Crown to Grant.

1st. THEY aim at enjoying their Seigniories according to their original Tenures, which depend on the Laws and Customs of *France*. It is difficult
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to comprehend how these Tenures can prevail in this Colony, where such Laws and Usages are unknown, and where all Estates are held under the Crown upon Quit-Rents, in free and Common Socage as the Manor of *East-Greenwich*, in the County of *Kent*, is held in *England*.

If the Tenure aimed at by the Petitioners, was free from this Objection, it would be a great Sacrifice of the Rights of the Crown, which derives a very valuable Revenue from the Quit-Rent of 2s. 6d. Sterling, upon every Hundred Acres of Land granted in this Colony.

BUT, 2dly. It is presumed that no *present* Act, or Order of the Crown, can have any legal Influence on the Grants in Question. They must stand or fall by the Rules of Law.

If the Limits of the *French* Colony of *Canada*, originally extended as far Southward as is now insisted, and if the Articles of the Capitulation and Treaty, operate as a Confirmation of the Canadian Grants, then these Claimants have a good Title at Law. : This Question, in a Course of Litigation, will come judically before the King in Privy Council, on an Appeal from the Judgments of the Courts of our Province, if either Party should be dissatisfied. The Petitioners need not be apprehensive of Partiality, because as a Decision here (upon the Point of Title) is not final, no Injustice can be done but what the Crown will eventually redress. To take up and determine the Matter extra judically, and without hearing the *New-York* Grantees, would
not

not only be premature but inconclusive, for we suppose *a mere exparte Order of the Crown* cannot determine the Title. The Royal Interposition wou'd be very consistent if the Lands had remained unpatented; but here the Crown in every View hath parted with it's Right.---If the Canadian Principle is just, to them, by the Capitulation and Treaty; ---If it is insupportable, then to the *New-York* Grantees under the Great Seal of this Province.

But admitting that the Order of the Crown would be decisive,---that this is an extraordinary Case, which ought not to move or depend upon the nice Principles of Law,---and that the Rules of Equity and Policy ought alone to be consulted. This Issue, we conceive, must be equally favourable to the Military Grantees, under *New-York*.

1st. WITH respect to the Merits of the different Claimants, the *French* Subjects received their Grants from their Prince, for their Services in an unjust Encroachment upon the British Crown; and in Violation of our original Rights, and of the Treaty of *Utrecht*. The Military, who hold under *New-York*, received their Titles by virtue of his Majesty's Proclamation, and as a Recompence for their Valour, in defence of his just and ancient Dominions. To reward the Aggressors at the Expence of the King's faithful Subjects, seems inconsistent with every Idea of Justice. But it is conceived the Honour of the Crown is engaged to support the Military Grants under *New-York*.

FOR, 2^{dly}. It would bespeak a Language very
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different from the Proclamation, and prove, instead of a Reward, a severe Punishment to People who have deserved so much, if his Majesty, after a Settlement of the Limits between the two Colonies,---after so fully signifying that it was his Royal Intention to give no Confirmation to these Canadian Claims,---after all the Trouble and Expence they have been put to in obtaining their Surveys, and maintaining their Grants, and settling and cultivating their Lands,---should now by any Order, question or impeach their Validity ; and which must involve them in the utmost Perplexity and Distress.

3dly. To confirm Claims, derived under the Authority of *France*, to the Southward of the River *St. Lawrence*, would hold up to the World a strange Picture of the Justice and Equity of the British Court. After engaging in two bloody Wars, and particularly the last in Resentment of such flagrant Encroachments, should it now be admitted that *Canada* extended as it's Advocates allege, what would be the Inference ? Must it not necessarily follow, that the Occupancy of the Lakes, *Crown Point*, *Ticonderoga*, &c. was no Invasion or Act of Hostility, but the Exertion of a rightful Sovereignty ? And consequently, that we were the Aggressors in those Wars, and not the *French* ; for nothing less could be implied in the Confirmations solicited.

4thly. *Lake Champlain* and *Lake George*, open a most important Communication, and may be justly called a Key to the Northern British Colonies.

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However humbled in the Course of a War, which has crowned *Great-Britain* with unexampled Success, it is natural to think the *French* of *Canada* will long look with an affectionate Eye towards their former Prince. The Canadian Barons in particular, lose a flattering Weight and Distinction; while under the Dominion of the *English*, they are sunk into mere Commons. Their Language, their Laws, and their Manners, but above all, their Religion, must for an Age to come forbid a cordial Attachment to our Government. They may not be without Hopes that the Fortune of War, between two powerful and rival Nations, may one Day give *France* such an Ascendency as to reduce us to the Necessity of restoring *Canada*.

FROM this View, it must be very impolitic to suffer the *French*, altho' now our Fellow Subjects, to settle on those Lakes, since it will give them the fullest Opportunity of assisting their Countrymen in invading and distressing this and the neighbouring Colonies, and establishing a Footing, on the first Rupture, in the Heart of our Country. On the other Hand, if the fertile Lands surrounding the Lakes, were peopled with the King's natural born Subjects, this Danger, which ought not needlessly to be despised, would be avoided; it's ill Consequences be prevented, and the Canadians themselves, even if they should be inclined to revolt, would be overawed into Subjection.

But this is not all.---If ever *Canada* should be the Subject of a Cession to *France*, what were her ancient Bounds must become a necessary Question? Her original Grants to the Canadians, supported
by

by the Confirmation of the King of *Great-Britain*, would be considered as irresistible Evidence of ancient Right; and thus not only *Lake Champlain* but *Lake George*, which are both interspersed with these Grants, would fall again into the Hands of *France*. The Possibility of an Altercation of this Nature, will be wholly removed by considering the Claims of the Canadians to the Lands on those Lakes, as unworthy of Attention.

UPON the Whole, viewing this Subject in every Light, upon the Principles of original Right,---Treaty and Cession,---Law and Justice,---Equity and Policy, it is conceived that the Military and other Grants under the Seal of this Province, ought not to be impeached; and that the Canadian Claims, extravagant in themselves, and destitute of all Foundation, ought to be rejected.

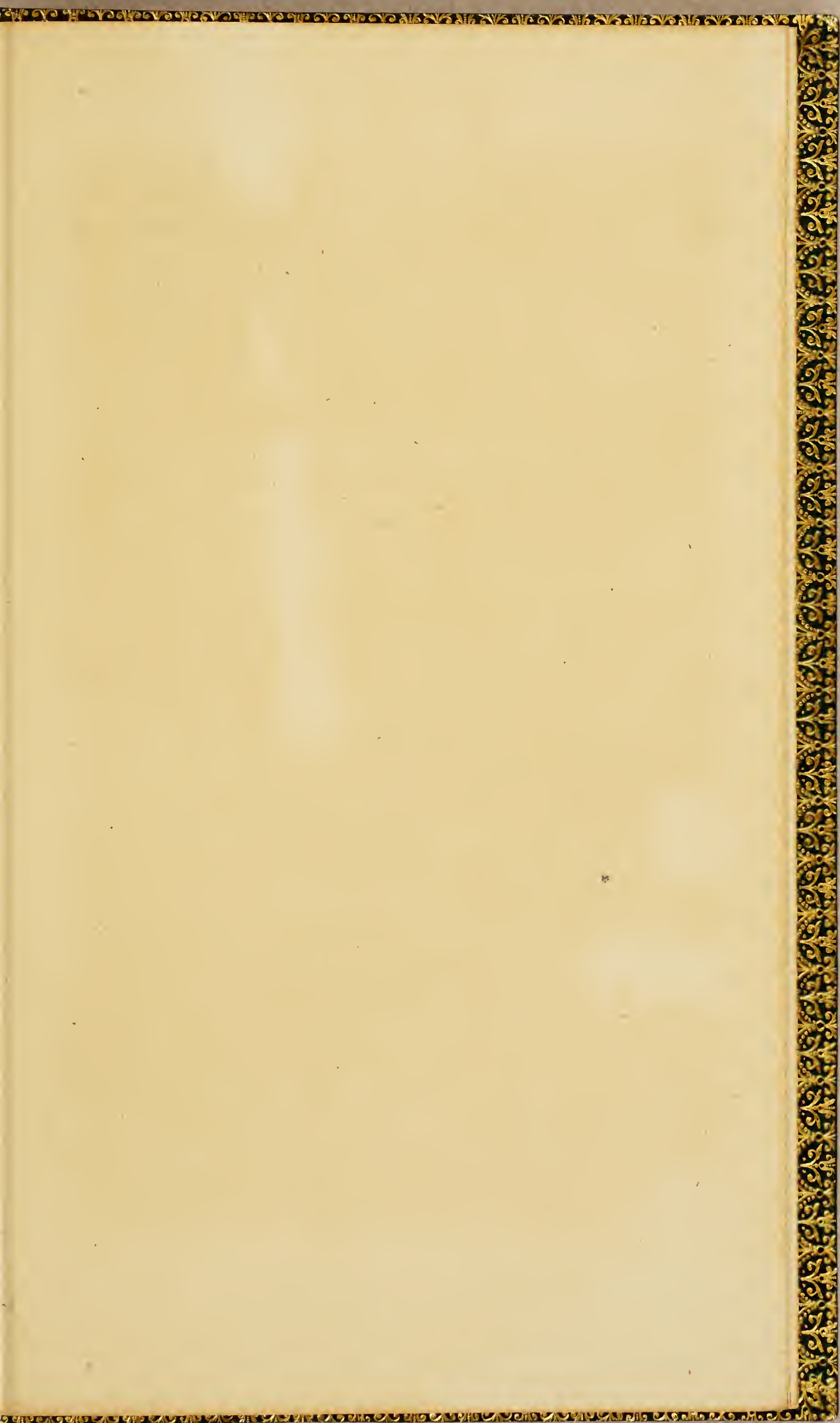
By Order of the General Assembly,

JOHN CRUGER, Speaker.



E R R A T A.

PAGE 4, Line 1. for *and* read *in*. P. 21. L. 14. for *on* r. *in*.
 P. 63. L. 28. for *of* r. *by*. P. 82. L. 16. add the Word *of*
 and in the next Line the Word *granting*. P. 99. L. 4. for
second r. *said*. P. 100. L. 19. add the Word *River*. P. 102.
 L. 6. add the Words *it includes* at the beginning of the Line.
 P. 111. L. 18. add the word *then*. P. 112. L. 17. for *pay* r.
pay. P. 147 and 148. for *Malcomb* r. *Macomb*.



January, 1935

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Gift of

Mrs Nicholas Brown

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John Nicholas Brown



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